



City Council
Regular Meeting Minutes - Final

Tuesday, September 13, 2022

12:30 PM

1. CALL TO ORDER AND ROLL CALL

Mayor C. Rogers called the meeting to order at 12:30 p.m.

Present: 5 - Mayor Chris Rogers, Council Member Victoria Fleming, Council Member Dianna MacDonald, Council Member John Sawyer, and Council Member Tom Schwedhelm

Absent: 2 - Vice Mayor Eddie Alvarez, and Council Member Natalie Rogers

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

No public comments were made.

Mayor C. Rogers recessed to closed session at 12:31 p.m. to discuss Items 2.1, 2.2, and 2.3 as listed on the agenda.

Vice Mayor Alvarez joined the meeting at 12:35 p.m.

Council Member N. Rogers joined the meeting at 12:38 p.m.

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

Name of Case: Apogee Gardens, Inc. and Jason Smith v. City of Santa Rosa, et al.

Sonoma County Superior Court Case No.: SCV-268751

This item was received and filed.

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

Name of Case: Jason H. Smith, Apogee Garden Products Inc. v. Kelly Aboudara City of Santa Rosa Code Enforcement Officer, et al.

USDC - Northern District of California Case No.: SCV-268751

This item was received and filed.

2.3 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

This item was received and filed.

Mayor C. Rogers adjourned closed session at 1:19 p.m. and reconvened to study session at 2:00 p.m.

3. STUDY SESSION

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

3.1 SANTA ROSA CIVIC CENTER PROJECT FEASIBILITY ANALYSIS REVIEW

This presentation is part 2 of 3 of the scheduled Downtown City Asset Study Sessions, covering the 2019 Santa Rosa Civic Center Feasibility Analysis performed in conjunction with Jones, Lang, LaSalle (JLL), and the potential redevelopment opportunities of select City assets.

Attachments: [Staff Report](#)
[Attachment 1 - 2019 JLL SR Civic Center Feasibility Analysis](#)
[Attachment 2 - City Hall Seismic Hazard Report Presentation](#)
[Late Correspondence \(Uploaded 9-13-2022\)](#)
[Late Correspondence \(Uploaded 9-15-22\)](#)

Clare Hartman, Director - Planning & Economic Development, and Jill Scott, Real Property Manager, presented and answered questions from Council.

Raissa De La Rosa, Deputy Director - Economic Development, Alan Alton, Chief Financial Officer, and Jason Nutt, Assistant City Manager, were available to answer questions from Council.

PUBLIC COMMENT

Natalie Balfour spoke on the value of keeping the White House lot for future housing, and opposed using it for a future City Hall site.

Calum Weeks, Generation Housing, spoke on the constraints and limited solutions on the table, Generation Housing wanting to be

engaged in the process, and supports daylighting the creek as a benefit that will enhance long-term vitality for the city.

Evan Wiig spoke in support of prioritizing space for affordable housing in the urban core, and advocated for daylighting the creek as a place where people can gather.

Adrian spoke in support of daylighting the creek, urged Council to take another look at closing First Street, supports relocating the Public Safety building services to the Stony Point complex, and using the Garage 9 site for housing.

Mayor C. Rogers recessed the meeting at 3:46 p.m. and reconvened at 4:00 p.m.

4. ANNOUNCEMENT OF ROLL CALL (IF NEEDED)

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

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

Jeff Berk, Chief Assistant City Attorney, reported Council met in closed session, direction was provided to staff and no final action was taken.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PROCLAMATION - POLLUTION PREVENTION AND CREEK WEEK

Attachments: [Proclamation](#)

Council Member N. Rogers read the proclamation. Kyle Spongberg, Environmental Specialist, accepted the proclamation and announced Creek Week events around the city.

PUBLIC COMMENT

Duane De Witt spoke thanking former City employee Alistair Bleifuss for his work on the creek, and on the negative impacts of transients using the creeks on the west side of Santa Rosa.

7. STAFF BRIEFINGS

PUBLIC COMMENT

Duane De Witt spoke on the importance of including community members who are not on the Internet and suggested putting posters on businesses windows and doors.

Eric Fraser spoke on public participation and inspiring the public in the civil process.

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.

Daryel Dunston, Assistant City Manager, reported the Food and Drug Administration has authorized the Pfizer bivalent booster for anyone 12 and older and the Moderna bivalent booster for anyone 18 and older and they are now available in Sonoma County. The Assistant City Manager reported Sonoma County has reported an overall case rate of 9.8 per one hundred thousand residents, a decrease from previous weeks, and that vaccinations remain the most effective means to protect yourself from getting seriously ill. For more information on the status of COVID-19 in the community, visit socoemergency.org.

7.2 COMMUNITY EMPOWERMENT PLAN UPDATE

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

Magali Telles, Deputy Director Community Engagement, provided an update on the Multi-Cultural Roots Project, on the turn out for the Hearn Community Hub meeting, and that the team is starting production on the Civic Engagement 101 videos.

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 August 2022 as well as provide a summary of pending litigation against the City.

Attachments: [Litigation Report](#)

Chief Assistant City Attorney Berk reported there were no settlements over \$50,000 this quarter, there are 20 active litigations with half set for trial, one personal injury case and one property damage claim caused by flooding.

No public comments were made.

9. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS

No statements of abstention were made.

10. MAYOR'S/COUNCIL MEMBERS' REPORTS

Council Member Schwedhelm attended and volunteered at the Santa Rosa Marathon and congratulated winner Nicholas Tosutu, attended the League of California Cities Conference in Long Beach, attended the ribbon cutting ceremony for Caritas Village, and congratulated Len Mirabella on his retirement as CEO for Catholic Charities and congratulated Jennielynn Holmes as the new CEO for Catholic Charities.

Council Member N. Rogers attended the ribbon cutting ceremony for Caritas Village and congratulated Jennielynn Holmes as the new CEO for Catholic Charities, and requested input from local veterans and veteran's organizations for the Veterans Day event.

Vice Mayor Alvarez attended the Hearn Community Hub meeting, reported Police Chief Cregan, City Manager Smith and Real Property Manager Jill Scott accompanied him in a walk on Sebastopol Road to meet with business owners and residents, congratulated Annie from Goldstone who opened her own business, attended the concert at the fairgrounds, met with Mexican Consulate General Liliana Ferrer in Sacramento, attended the Lime Foundation event, announced a meeting with community members in Roseland and announced a neighborhood watch in South Park this evening.

Mayor C. Rogers announced he would be adjourning in memory of Maria Canas and Kathleen Finigan who fought for racial justice, accountability, and equity in the community.

Council Member MacDonald attended the League of California Cities conference in Long Beach, and reported she met with the Police Officers Association and thanked them for keeping the community safe.

No public comments were made.

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 C. Rogers provided a brief report on the meeting.

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

11.1 May 24, 2022, Regular Meeting Minutes.

Attachments: [Draft Minutes](#)

Approved as submitted.

12. CONSENT ITEMS

PUBLIC COMMENT

Eric Fraser spoke on Item 12.1 expressing disagreement with the Grand Jury findings in F24 of their report, and on the ban of gas stations.

Duane De Witt spoke on the future of affordable housing and expressed concern the City buys houses to demolish them for projects, and asked that all city meetings be open to in person meetings.

Angie Dillon-Shore, First 5 Sonoma County spoke on 12.4 thanking Council for approving ARPA funds for the program.

Michael Hilbert spoke on 12.8 expressing his concern the ordinance was ill drafted, and in opposition to Item 12.3.

Approval of the Consent Agenda

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

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

12.1 MOTION - RESPONSES TO TWO 2021-2022 GRAND JURY REPORTS - AFFORDABLE HOUSING

RECOMMENDATION: It is recommended by the City Manager, Housing and Community Services, and the Planning and Economic Development Department that the Council, by motion, authorize the Mayor to provide

formal responses to two Sonoma County 2021-2022 Grand Jury Reports, “Affordable Housing: Past, Present and Future” and “Affordable Housing: Monitoring and Compliance.”

Attachments: [Staff Report](#)
[Attachment 1 - 2021-2022 Grand Jury Consolidated Final Report](#)
[Attachment 2 - Response to Affordable Housing: Past Present and Future](#)
[Attachment 3 - Response to Affordable Housing: Monitoring and Compliance](#)
[Attachment 4 - Letter to Presiding Judge](#)
[Presentation](#)

This Consent - Motion was approved.

12.2 RESOLUTION - THIRD AMENDMENT TO GENERAL SERVICES AGREEMENT NUMBER F001818 WITH NICK BARBIERI TRUCKING, LLC, DBA REDWOOD COAST FUELS

RECOMMENDATION: It is recommended by the Finance Department that the Council, by resolution, approve the Third Amendment to General Services Agreement Number F001818 with Nick Barbieri Trucking, LLC, dba Redwood Coast Fuels, Ukiah, California, for the delivery of fuels to various locations throughout the City to add funds and increase compensation by \$250,000, for a total amount not to exceed of \$745,000.

Attachments: [Staff Report](#)
[Resolution](#)
[Exhibit A - Third Amendment to PSA](#)
[Presentation](#)

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2022-190 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE THIRD AMENDMENT TO GENERAL SERVICES AGREEMENT NUMBER F001818 WITH NICK BARBIERI TRUCKING, LLC, DBA REDWOOD COAST FUELS

12.3 RESOLUTION - PROFESSIONAL SERVICES AGREEMENT WITH FIRST 5 SONOMA COUNTY FOR ADMINISTRATION OF THE CITY OF SANTA ROSA GUARANTEED BASIC INCOME PROGRAM

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council, by resolution, approve a Professional Services Agreement with First 5 Sonoma County for administration of the City of Santa Rosa funded Guaranteed Basic Income Program in an amount not to exceed \$1,008,000.

Attachments: [Staff Report](#)
 [Resolution](#)
 [Exhibit A – First 5 Sonoma County PSA](#)
 [Presentation](#)

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2022-191 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH FIRST 5 SONOMA COUNTY FOR ADMINISTRATION OF THE CITY OF SANTA ROSA GUARANTEED BASIC INCOME PROGRAM

12.4 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-2022-192 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

12.5 RESOLUTION - APPROVAL AND ADOPTION OF THE CITY'S SALARY PLAN AND SCHEDULE, CORRECTING AN ADMINISTRATIVE ERROR AND ELIMINATING THE BUS OPERATOR TRAINEE CLASSIFICATION AND COMPENSATION

RECOMMENDATION: It is recommended by the Human Resources Department that Council, by resolution, approve and adopt the City's Salary Plan and Schedule, correcting an administrative error and

eliminating the Bus Operator Trainee classification and compensation.

Attachments: [Staff Report](#)
[Attachment 1 - RES-2022-159](#)
[Attachment 2 - RES-2022-156](#)
[Attachment 3 - Salary Plan and Schedule corrections highlighted Resolution](#)
[Exhibit A - Salary Plan and Schedule Presentation](#)

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2022-193 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AND ADOPTING THE CITY'S SALARY PLAN AND SCHEDULE, CORRECTING AN ADMINISTRATIVE ERROR AND ELIMINATING THE BUS OPERATOR TRAINEE CLASSIFICATION AND COMPENSATION

12.6 RESOLUTION - APPROVAL AND ADOPTION OF RESOLUTION ELIMINATING THE BUS OPERATOR TRAINEE CLASSIFICATION AND PAY SCALE

RECOMMENDATION: It is recommended by the Human Resources Department that Council, by resolution: 1) adopt a Side Letter to the Memorandum of Understanding for Unit 8 - Transit; and 2) authorize the City Manager to execute the Side Letter and eliminate the Bus Operator Trainee classification and pay scale, as a recruitment and retention strategy, retroactive to April 1, 2022.

Attachments: [Staff Report](#)
[Resolution](#)
[Exhibit A - Side Letter to Memorandum of Understanding.docx](#)
[Presentation](#)

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2022-194 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING A SIDE LETTER TO THE MEMORANDUM OF UNDERSTANDING FOR UNIT 8 - TRANSIT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SIDE LETTER AND ELIMINATE THE BUS OPERATOR TRAINEE CLASSIFICATION AND PAY SCALE RETROACTIVE TO APRIL 1, 2022

12.7 ORDINANCE ADOPTION SECOND READING - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA PREZONING THE PROPERTY LOCATED AT 2210 BRUSH CREEK ROAD (BRUSH

CREEK ROAD MINOR SUBDIVISION) INTO THE R-1-6 (SINGLE-FAMILY RESIDENTIAL) ZONING DISTRICT, ASSESSOR'S PARCEL NUMBER 182-050-004; AND PREZONING THE PROPERTIES LOCATED AT 2200 BRUSH CREEK ROAD AND 0 BRIDGEWOOD DRIVE INTO THE RR-20 (RURAL RESIDENTIAL) ZONING DISTRICT, ASSESSOR'S PARCEL NUMBERS 182-050-005 & -014; FILE NO. PRJ20-008

RECOMMENDATION: This ordinance, introduced at the August 23, 2022, Regular Meeting by a 6-0-1 vote (MacDonald absent), prezones the property located at 2210 Brush Creek Road into the R-1-6 (Single Family Residential) zoning district and prezones the properties at 2200 Brush Creek Road and 0 Bridgewood Drive into the RR-20 (Rural Residential) zoning district.

Attachments: [Ordinance](#)

This Consent - Ordinance was adopted.

ORDINANCE NO. ORD-2022-009 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA PREZONING THE PROPERTY LOCATED AT 2210 BRUSH CREEK ROAD (BRUSH CREEK ROAD MINOR SUBDIVISION) INTO THE R-1-6 (SINGLE-FAMILY RESIDENTIAL) ZONING DISTRICT, ASSESSOR'S PARCEL NUMBER 182-050-004; AND PREZONING THE PROPERTIES LOCATED AT 2200 BRUSH CREEK ROAD AND 0 BRIDGEWOOD DRIVE INTO THE RR20 (RURAL RESIDENTIAL) ZONING DISTRICT, ASSESSOR'S PARCEL NUMBERS 182-050-005 & -014; FILE NO. PRJ20-008

12.8 ORDINANCE ADOPTION SECOND READING - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE TO PROHIBIT NEW GAS STATION LAND USES AND TO PROHIBIT EXPANSION OF FOSSIL FUEL INFRASTRUCTURE FOR EXISTING GAS STATION LAND USES, FILE REZ22-001

RECOMMENDATION: This ordinance, introduced at the August 23, 2022, Regular Meeting by a 6-0-1 (MacDonald absent) vote, approves text amendments to Title 20 of the City Code to prohibit new gas station land uses and to prohibit expansion of fossil fuel infrastructure for existing gas station land uses.

Attachments: [Ordinance](#)
[Ordinance Redlined \(Revised\)](#)
[Ordinance Final](#)

This Consent - Ordinance was adopted.

ORDINANCE NO. ORD-2022-010 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE TO PROHIBIT NEW GAS STATION LAND USES AND TO PROHIBIT EXPANSION OF FOSSIL FUEL INFRASTRUCTURE FOR EXISTING GAS STATION LAND USES, FILE REZ22-001

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

14. REPORT ITEMS - NONE.

15. PUBLIC HEARINGS - NONE.

16. WRITTEN COMMUNICATIONS

No public comments were made.

16.1 STATE LEGISLATIVE UPDATE:

- Support for AB 1985 (R. Rivas) -- Organic waste: recovered organic waste product procurement targets. Provided for information.
- Opposition for AB 2953 (Salas) -- Department of Transportation and local agencies: streets and highways: recycled materials. Provided for information.

Attachments: [State Legislative Memo](#)
[AB 1985 Letter of Support](#)
[Bill Text - AB 1985](#)
[AB 2953 Letter of Opposition](#)
[Bill Text - AB 2953](#)

This item was received and filed.

Mayor C. Rogers recessed the meeting at 4:55 p.m. and reconvened at 5:00 p.m.

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

17. PUBLIC COMMENTS ON NON-AGENDA MATTERS

Duane De Witt spoke on Hispanic Heritage month and the veterans who have served our country, Sept. 16 at veterans memorial day, concern on the HUD Vash vouchers processing,

Eric Fraser Truth in Tourism, spoke on short-term rental applications filed in Santa Rosa, code enforcement cases filed, and on cease and desist notices received by residents.

Michael Hilbert spoke on broken recreational vehicles on Santa Rosa avenue needing to be tagged and removed.

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] - NONE.

19. ADJOURNMENT OF MEETING

Mayor C. Rogers adjourned the meeting at 5:09 p.m. in memory of Maria Canas and Kathleen Finigan. The next regular meeting will be held on September 20, 2022, at a time to be set by the Mayor.

20. UPCOMING MEETINGS

20.1 UPCOMING MEETINGS LIST

Attachments: [Upcoming Meetings List](#)

This item was received and filed.

Approved on: November 29, 2022
/s/ Stephanie A. Williams, City Clerk