



City Council  
Regular Meeting Minutes - Final

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Tuesday, December 13, 2022

1:30 PM

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**1. CALL TO ORDER AND ROLL CALL**

Mayor C. Rogers called the meeting to order at 1:33 p.m.

**Present:** 6 - Mayor Chris Rogers, Council Member Victoria Fleming, Council Member Dianna MacDonald, Council Member Natalie Rogers, Council Member John Sawyer, and Council Member Tom Schwedhelm

**Absent:** 1 - Vice Mayor Eddie Alvarez

**2. ANNOUNCEMENT OF CLOSED SESSION ITEMS**

PUBLIC COMMENT

Duane De Witt spoke on Item 2.1. stating it was "refreshing" to hear about this before the negotiating parties were determined, and hopes Council will look for the biggest return on a long term investment with housing downtown.

Mayor C. Rogers recessed the meeting to closed session at 1:33 p.m. to discuss Items 2.1 and 2.2 as listed on the agenda.

**2.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
(Government Code Section 54956.8)**

Property: 625 and 637 3rd Street, APNs 009-013-011 and 009-013-012 ("Garage 5"), 500 5th Street, APN 010-053-028 ("Lot 11"), and 730 3rd Street, APN 009-072-044 ("Lot 7")

Agency Negotiators: Jill Scott, Real Property Negotiator

Negotiating Parties: To be determined

Under Negotiations: Price and terms of long term lease or sale

**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: In Re Matter of the Appeal of City of Santa Rosa - Santa

Rosa Water

Court Case No.: Department of Industrial Relations Occupational Safety and Health Appeals Board, Inspection No. 1495388

This item was received and filed.

**Mayor C. Rogers adjourned closed session at 2:40 p.m. and reconvened to regular session at 4:00 p.m.**

**3. STUDY SESSION - NONE.**

**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**

Sue Gallagher, City Attorney, reported Council met on Item 2.1 regarding the surplus sale of three lots in downtown, Council gave direction and no action was taken; and on Item 2.2 regarding existing litigation on a City appeal of a CalOSHA order, Council gave direction and no action was taken.

**6. PROCLAMATIONS/PRESENTATIONS - NONE.**

**7. STAFF BRIEFINGS - NONE.**

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

Maraskeshia Smith, City Manager, reported that due to the cold weather, the warming center at Caritas Center located at 301 6th Street will be open until the morning of December 16.

City Attorney Gallagher announced the retirement of Chief Assistant City Attorney Jeff Berk at the end of the year and made comments of acknowledgement, commendation and thanks for the work he has done on behalf of the organization.

**8.1 REPORT OF SETTLEMENTS AND ACTIVE LITIGATION**

The City Attorney will report on settlements over \$50,000 through November 2022 as well as provide a summary of pending litigation

against the City.

**Attachments:** [Litigation Report](#)

City Attorney Gallagher provided a report on 25 current cases pending; one receivership; nine matters of general litigation, 10 personal injury cases, three Police action, and two writs of mandates. City Attorney Gallagher reported the City Attorney's Office is working on several other litigation matters and litigation related matters in addition to what was reported.

No public comments were made.

## **9. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS**

No statements of abstention were made.

## **10. MAYOR'S/COUNCIL MEMBERS' REPORTS**

Vice Mayor Alvarez met with Senator Padilla regarding the future of Martin Luther King park.

Council Member MacDonald attended and thanked the North Bay Leadership Council for their holiday luncheon, attended the Carpenters Union 751 luncheon in San Francisco.

Council Member N. Rogers attended Merry Market at Church Unstoppable and helped serve over 200 families with gifts for their children and provided hot coffee, hot chocolate, and treats for parents while presents were being wrapped.

Council Member Fleming attended the first run of the all electric bus fleet, thanked Council Member N. Rogers for inviting her to her home to meet with faith leaders to build bridges of understanding and discuss practical and operational concerns on how to interact with the city's faith based communities on the value they bring to Santa Rosa.

Mayor C. Rogers congratulated Transportation & Public Works for the launch of the zero emission bus fleet, thanked Ray Tellis, Regional Administrator for the Department of Transportation for

attending the event, and thanked Senator Alex Padilla for the signing of the Fire Act, which many Santa Rosa staff worked on.

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)**

**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 - NONE.**

**12. CONSENT ITEMS**

**PUBLIC COMMENT**

Duane DeWitt spoke on Item 12.1 expressing a desire that the people on the lowest end of the pay structure get the same equity of pay increases, suggested time cards for Council Members to hold

them accountable for their hours worked, on Item 12.5 asked for authentic and true community engagement, and on Item 12.8 requested that all city meetings be open to the public.

## 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 12.9. 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 RESOLUTION - AMENDMENT TO THE CITY CLASSIFICATION AND SALARY PLAN MODIFYING THE SALARY RANGE OF MULTIPLE POSITIONS AND ADOPTION OF THE CITY'S SALARY PLAN AND SCHEDULE

RECOMMENDATION: It is recommended by the Human Resources Department that the Council, by two resolutions: 1) approve a 5% equity increase to multiple positions, to include classifications historically linked to those previously identified for recruitment and retention adjustments; 2) pursuant to the City's minimum wage Ordinance, ORD-2019-14, approve increases to impacted temporary and seasonal employee pay scales to meet or exceed the City's minimum wage of \$17.06 per hour and preserve the salary structure of other classifications within that temporary and seasonal group effective January 1, 2023; and 3) approve and adopt the City's Salary Plan and Schedule as required by California Code Regulations Title 2, Section 570.5 - Requirement for a Publicly Available Pay Schedule.

**Attachments:** [Staff Report](#)  
[Resolution 1 - Equity Adjustments](#)  
[Resolution 2 - Salary Plan and Schedule](#)  
[Exhibit A - Salary Plan and Schedule](#)

**These Consent - Resolutions were adopted.**

**RESOLUTION NO. RES-2022-237 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING THE CITY CLASSIFICATION AND SALARY PLAN AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT THESE CHANGES**

**RESOLUTION NO. RES-2022-238 ENTITLED: RESOLUTION OF THE**

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**COUNCIL OF THE CITY OF SANTA ROSA APPROVING AND ADOPTING  
THE CITY'S SALARY PLAN AND SCHEDULE**

**12.2 RESOLUTION - ADMINISTRATIVE COST RECOVERY LIEN AGAINST  
THE REAL PROPERTY LOCATED AT 3712 DOUGLAS DRIVE**

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council, by resolution, approve the administrative cost recovery lien in the amount of \$4,764.70 against the property located at 3712 Douglas Drive for violations of the City Code which remain uncorrected by the responsible party, Kelly V. Spiers, and authorize the recordation of a lien and placement of a special assessment on the property tax roll for collection.

Attachments:    [Staff Report](#)  
                          [Attachment 1 - Administrative Enforcement Order](#)  
                          [Attachment 2 - Abatement Invoice](#)  
                          [Attachment 3 - Vicinity Map](#)  
                          [Attachment 4 - Case File Photos](#)  
                          [Resolution](#)

**This Consent - Resolution was adopted.**

**RESOLUTION NO. RES-2022-239 ENTITLED: RESOLUTION OF THE  
COUNCIL OF THE CITY OF SANTA ROSA CONFIRMING THE AMOUNT OF  
AN ADMINISTRATIVE COST RECOVERY LIEN, CONFIRMING AND  
ORDERING THE RECOVERY OF ADMINISTRATIVE COSTS ASSESSED  
AND IMPOSED BY THE ADMINISTRATIVE HEARING OFFICER FOR  
VIOLATIONS OF CITY CODE PROVISIONS OCCURRING ON THE  
PROPERTY AT 3712 DOUGLAS DRIVE, SANTA ROSA, CA 95405, SANTA  
ROSA, APN 014-323-001, AND ORDERING THE ADMINISTRATIVE COST  
RECOVERY LIEN BE COLLECTED ON THE TAX ROLL BY THE SONOMA  
COUNTY TAX COLLECTOR**

**12.3 RESOLUTION - ADMINISTRATIVE COST RECOVERY LIEN AGAINST  
THE REAL PROPERTY LOCATED AT 211 THERESA STREET,  
SANTA ROSA, CA 95407**

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council, by resolution, approve the administrative cost recovery lien in the amount of \$3460.64 against the property located at 211 Theresa St. for violations of the City Code which remain uncorrected by the responsible parties, Florentino, Angelina, Fernando, and Margarita Vicencio, and authorize the

recordation of an administrative cost recovery lien and the placement of a special assessment on the property tax roll for collection.

**Attachments:**    [Staff Report](#)  
[Attachment 1 - Administrative Enforcement Order](#)  
[Attachment 2 - Case File Photos](#)  
[Attachment 3 - Vicinity Map](#)  
[Resolution](#)

**This Consent - Resolution was adopted.**

**RESOLUTION NO. RES-2022-240 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CONFIRMING THE AMOUNT OF AN ADMINISTRATIVE COST RECOVERY LIEN, CONFIRMING AND ORDERING THE RECOVERY OF ADMINISTRATIVE COSTS ASSESSED AND IMPOSED BY THE ADMINISTRATIVE HEARING OFFICER FOR VIOLATIONS OF CITY CODE PROVISIONS OCCURRING ON THE PROPERTY AT 211 THERESA STREET, SANTA ROSA, APN 037-124-014, AND ORDERING THE ADMINISTRATIVE COST RECOVERY LIEN BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR**

**12.4**      **RESOLUTION - ADMINISTRATIVE COST RECOVERY LIEN AGAINST THE REAL PROPERTY LOCATED AT 2060 IROQUOIS STREET**

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council, by resolution, approve the administrative cost recovery lien in the amount of \$2,633.61 against the property located at 2620 Iroquois St. for violations of the City Code which remain uncorrected by the responsible party, Guillermo Diaz Lopez, and authorize the recordation of a lien and placement of a special assessment on the property tax roll for collection.

**Attachments:**    [Staff Report](#)  
[Attachment 1 - Administrative Enforcement Order](#)  
[Attachment 2 - Case File Photos](#)  
[Attachment 3 - Vicinity Map](#)  
[Resolution](#)

**This Consent - Resolution was adopted.**

**RESOLUTION NO. RES-2022-241 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CONFIRMING THE AMOUNT OF AN ADMINISTRATIVE COST RECOVERY LIEN, CONFIRMING AND ORDERING THE RECOVERY OF ADMINISTRATIVE COSTS ASSESSED AND IMPOSED BY THE ADMINISTRATIVE HEARING OFFICER FOR**

**VIOLATIONS OF CITY CODE PROVISIONS OCCURING ON THE PROPERTY AT 2620 IROQUOIS STREET, SANTA ROSA, APN 015-561-011, AND ORDERING THE ADMINISTRATIVE COST RECOVERY LIEN BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR**

**12.5 RESOLUTION - SANTA ROSA CITYBUS PUBLIC TRANSIT AGENCY SAFETY PLAN UPDATE 2023**

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, adopt the Santa Rosa CityBus Public Transit Agency Safety Plan (PTASP) Update 2023 to meet the requirements of the Federal Transit Administration's Public Transportation Agency Safety Plan Final Rule and changes from the Bipartisan Infrastructure Law.

Attachments: [Staff Report](#)  
[Resolution](#)  
[Exhibit A - PTASP 2023](#)

**This Consent - Resolution was adopted.**

**RESOLUTION NO. RES-2022-242 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING THE SANTA ROSA CITYBUS PUBLIC TRANSIT AGENCY SAFETY PLAN UPDATE 2023**

**12.6 RESOLUTION - SANTA ROSA CITYBUS SHORT RANGE TRANSIT PLAN FINANCIAL SCENARIOS FOR FY 2023 TO FY 2028**

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, adopt the Santa Rosa CityBus Short Range Transit Plan Financial Scenarios for Fiscal Year 2023 to Fiscal Year 2028.

Attachments: [Staff Report](#)  
[Resolution](#)  
[Exhibit A - CityBus SRTP Narrative](#)

**This Consent - Resolution was adopted.**

**RESOLUTION NO. RES-2022-243 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING THE SANTA ROSA CITYBUS SHORT RANGE TRANSIT PLAN FINANCIAL SCENARIOS FOR FISCAL YEAR 2023 TO FISCAL YEAR 2028**

**12.7 RESOLUTION - APPROVAL OF THE ACQUISITION OF 3012**

DUTTON MEADOW (APN 043-122-007) AND A FUND-TO-FUND LOAN FROM THE WATER OPERATIONS FUND TO THE STORM WATER CREEK RESTORATION FUND FOR FINANCING A PORTION OF THE PURCHASE

RECOMMENDATION: It is recommended by the Transportation and Public Works Department, Finance Department and Santa Rosa Water that the Council, by resolution: (1) approve the acquisition of 3012 Dutton Meadow (APN 043-122-007, "Property") for construction of the Lower Colgan Creek Restoration Project- Phase 3 and the Lower Colgan Creek Neighborhood Park subject to all contract contingencies; (2) approve the demolition of the structures located thereon as the City Manager may deem necessary; (3) approve a fund-to-fund loan in the amount of \$960,000 from the Water Operations Fund to the Storm Water Creek Restoration Fund for financing a portion of the purchase of the Property necessary for construction of the Lower Colgan Creek Restoration Project- Phase 3; (4) authorize the City Manager or designee to execute all documents necessary to complete the acquisition; and (5) appropriate up to \$960,000 from the Water Operations Funds to the Storm Water Creek Restoration Fund for payment of the fund-to-fund loan.

Attachments: [Staff Report](#)  
[Resolution](#)

**This Consent - Resolution was adopted.**

**RESOLUTION NO. RES-2022-244 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE ACQUISITION OF 3012 DUTTON MEADOW (APN 043-122-007) , APPROVING THE DEMOLITION OF ANY STRUCTURES THEREON, APPROVING A FUND-TO-FUND LOAN FROM THE WATER OPERATIONS FUND TO THE STORM WATER CREEK RESTORATION FUND FOR FINANCING A PORTION OF THE PURCHASE, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE ACQUISITION AND APPROPRIATION OF UP TO \$960,000 FOR PAYMENT OF THE FUND TO-FUND LOAN**

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

Attachments: [Resolution](#)

**This Consent - Resolution was adopted.**

**RESOLUTION NO. RES-2022-245 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**

**12.9** ORDINANCE ADOPTION - SECOND READING - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA INCREASING COUNCIL COMPENSATION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 4 OF THE SANTA ROSA CITY CHARTER

RECOMMENDATION: This ordinance, introduced at the December 6, 2022, Regular Meeting by a 6-0-1 vote (Alvarez absent), increases Council compensation in accordance with the provisions of Section 4 of the Santa Rosa City Charter, providing for an increase in the salary of Council members from \$800 per month to \$1480 per month (resulting in an annual salary of \$17,760) and an increase in the salary of the Mayor from \$1200 per month to \$2,220 per month (resulting in an annual salary of \$26,640) effective December 14, 2022.

Attachments: [Ordinance](#)  
[Ordinance Redlines \(Updated 12.7.2022\)](#)  
[Ordinance FINAL \(Updated 12.7.2022\)](#)

**This Consent - Ordinance was adopted.**

**ORDINANCE NO. ORD-2022-018 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA INCREASING COUNCIL COMPENSATION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 4 OF THE SANTA ROSA CITY CHARTER**

**14. REPORT ITEMS**

**14.1** REPORT - HIGH-DENSITY MULTI-FAMILY RESIDENTIAL INCENTIVE PROGRAM

**BACKGROUND:** The High-Density Multi-Family Residential Incentive Program (Incentive Program) encourages housing development and increased density in downtown Santa Rosa through the reduction/deferral of the City development impact fees. The Incentive Program supports City Council goals to foster a vibrant downtown and meet housing needs for all. The incentive program was originally enacted in September 2018 for a limited term of five years. While the resolutions do not have an expiration date, there is an eligibility requirement for a qualifying project to “break ground by August 31, 2023”. Breaking ground is defined as securing a foundation permit. Given the delays caused by emergency responses in recent years on downtown housing investments and construction, the Council will consider extending the Incentive Program.

**RECOMMENDATION:** It is recommended by the Planning and Economic Development Department that Council, by three separate resolutions: (1) rescind Resolution 2018-169 and establish payment options for water and wastewater demand fees and amend the eligibility criteria for the high density multi-family residential incentive program; (2) rescind Resolution No. 2019-067 and set forth a revised schedule of park development impact fees and amend the eligibility criteria for the high density multi-family incentive program; and (3) rescind Resolution No. 2019-066 and set forth a revised schedule of capital facilities fees and amend the eligibility criteria for the high density multi-family residential incentive program to further support housing development and increased density in downtown Santa Rosa.

**Attachments:** [Staff Report](#)  
[Attachment 1 - Map of Downtown](#)  
[Attachment 2 - Keyser Marston Associates, Inc. memorandum](#)  
[Attachment 3 - Maximum Base FAR Map](#)  
[Attachment 4 - RES-2019-066 \(CFF\)](#)  
[Attachment 5 - RES-2019-067 \(Parks\)](#)  
[Attachment 6 - RES-2018-169 \(Water and Wastewater\)](#)  
[Resolution 1 - CFF](#)  
[Resolution 1 Exhibit A - Downtown Map](#)  
[Resolution 2 - Parks](#)  
[Resolution 2 Exhibit A - Downtown Map](#)  
[Resolution 3 Water and Wastewater](#)  
[Resolution 3 Exhibit A - Downtown Map](#)  
[Presentation](#)

Clare Hartman, Director of Economic Development, Jesse Oswald, Chief Building Official, Jen Santos, Deputy Director Parks, and Raissa De La Rosa, Deputy Director Economic Development, presented and answered questions from Council.

#### PUBLIC COMMENT

Duane De Witt spoke in support of continuing the incentive program, incentivizing more downtown development, investing in downtown parks and urban spaces, and to include accountability for incentives given.

Josh Shipper, Director of Special Initiatives Generation Housing, spoke recognizing the success of the downtown fee incentive program, supports the extension of the program for another three years, and encouraged Council to repeat the incentive program to other transit hubs in the city.

Eric Fraser spoke congratulating the Council for reducing the fees, being confused on the fees previously being charged and about the discussion of public spaces in the downtown specific area, and expressed concern if the incentives would create the kind of performance the Council expects.

Adrian, downtown resident and local lead for Yes In My Backyard (YIMBY), spoke in support for extending the fee reduction program for three years and in support of staff's recommendation.

Gregory Fearon spoke on profitability over affordability, and expressed concern building downtown will not be affordable.

Evan Wiig spoke encouraging the City to look for more incentives for downtown development as a whole to increase the quality of life and create economic opportunities, and to seek solutions to increase incentives where units are more affordable to low and middle income residents.

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

**RESOLUTION NO. RES-2022-246 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA RESCINDING RESOLUTION NO. RES-2019-066, AND SETTING FORTH A REVISED SCHEDULE OF CAPITAL FACILITIES FEES CHARGED PURSUANT TO CHAPTER 21-04 OF THE SANTA ROSA CITY CODE AND AMENDING THE ELIGIBILITY CRITERIA FOR THE HIGH-DENSITY MULTI-FAMILY RESIDENTIAL INCENTIVE PROGRAM TO INCREASE HIGH DENSITY DEVELOPMENT AND AFFORDABLE HOUSING DOWNTOWN**

**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

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

**RESOLUTION NO. RES-2022-247 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA RESCINDING RESOLUTION NO. RES-2019-067, AND SETTING FORTH A REVISED SCHEDULE OF PARK DEVELOPMENT IMPACT FEES CHARGED PURSUANT TO CHAPTER 19-70 OF THE SANTA ROSA CITY CODE AND AMENDING THE ELIGIBILITY CRITERIA FOR THE HIGH DENSITY MULTI FAMILY INCENTIVE PROGRAM TO INCREASE HIGH DENSITY DEVELOPMENT AND AFFORDABLE HOUSING DOWNTOWN**

**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

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

**RESOLUTION NO. RES-2022-248 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA RESCINDING RESOLUTION NO. 2018-169 AND ESTABLISHING PAYMENT OPTIONS FOR WATER AND WASTEWATER DEMAND FEES AND AMENDING THE ELIGIBILITY CRITERIA FOR THE HIGH-DENSITY MULTI-FAMILY RESIDENTIAL INCENTIVE PROGRAM TO INCREASE HIGH DENSITY DEVELOPMENT AND AFFORDABLE HOUSING DOWNTOWN**

**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

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

Doug Van Dyke spoke asking Council to reconsider their action designating the 3rd Street garage as surplus land.

Duane DeWitt spoke sharing a document on equitable development planning from the U.S. Environmental Protection Agency, on Roseland being a disadvantaged area and Roseland now being used for the Bellevue area development when Roseland residents need the help.

Eric Fraser, Truth in Tourism, spoke on the short term rental policy, the community meetings held regarding the issue, and the backlog of permit applications waiting to be approved.

Brian Wenter, Land Use Attorney with Miller, Star, Regalia in Walnut Creek, spoke on the exemptions in the property and surplus land act that the City may qualify for to move City Hall to a new location.

Natalie Balfour, Airport Business Center, spoke asking Council to reconsider the approval of resolution RES-2022-234, in a letter

submitted by the Airport Business Center, along with the Chamber of Commerce, requesting Council give them more time to consider other options for Garage 5.

Adrian Covert spoke in support of more development in downtown, for Garage 3 and Garage 5 being designated as surplus land, on downtown incentives providing an opportunity for the City, and expressed concern on the amount of traffic congestion downtown development may cause if safe routes for bicycles are not provided.

#### 14.2 REPORT - ADOPTION OF EMERGENCY OPERATIONS PLAN

BACKGROUND: City EOP Planning Team was formed in March 2022 to review and update the 2017 Basic Plan and each Annex. The major changes made since 2017 are found on page 34 of the EOP Basic Plan.

EOP Advisory Council was formed on August 10, 2022 and included representatives from a pool of community leaders provided by the Office of Community Engagement.

Extensive outreach via social media was conducted by the Communications and Intergovernmental Relations Office, to include a public "Lets Connect" webpage that contained the full EOP and the opportunity to complete a public comment survey.

Two Public Meetings were held. One in person on September 12, 2022 and the second virtual via Zoom on September 14, 2022.

EOP Advisory Council reviewed all public comments received and recommended how those comments might be incorporated into the final version of the EOP.

RECOMMENDATION: It is recommended by the Fire Department that the Council, by resolution, adopt the Santa Rosa Emergency Operations Plan.

**Attachments:** [Staff Report](#)  
[Resolution](#)  
[Exhibit A - Emergency Operations Plan](#)  
[Presentation - Emergency Operations Plan](#)

Brittany Miller, Deputy Emergency Preparedness Coordinator, and Neil Bregman, Emergency Preparedness Coordinator, presented and answered questions from Council.

No public comments were made.

**A motion was made by Council Member N. Rogers, seconded by Council Member Fleming, to waive reading of the text and adopt**

**RESOLUTION NO. RES-2022-249 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING THE CITY OF SANTA ROSA EMERGENCY OPERATIONS PLAN**

**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

**15. PUBLIC HEARINGS - NONE.**

**16. WRITTEN COMMUNICATIONS - NONE.**

**Mayor C. Rogers recessed the meeting at 6:07 p.m. and reconvened at 6:14 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. COUNCIL REORGANIZATION**

- 17.1** REPORT - DECLARATION OF RESULTS FOR THE GENERAL MUNICIPAL ELECTION HELD ON TUESDAY, NOVEMBER 8, 2022, FOR (1) THE PURPOSE OF ELECTING MEMBERS FOR FOUR DISTRICT-BASED OFFICES OF THE CITY COUNCIL FOR DISTRICTS 2, 4 AND 6, EACH FOR A FULL TERM OF FOUR YEARS AND DISTRICT 3 FOR A TERM OF TWO YEARS; AND (2) SUBMITTING TO THE VOTERS MEASURE H AND RELATING TO THE SALES TAX, MEASURE I RELATING TO DISTRICT-BASED ELECTIONS, AND MEASURE J RELATING TO CITY CHARTER LANGUAGE UPDATE AND MODERNIZATION

BACKGROUND: Pursuant to City Charter Section 30 and the California

Elections Code, the City Council called a General Municipal Election for Tuesday, November 8, 2022, for (1) the purpose of electing one candidate for each City Council office for Districts 2, 4 and 6, each for a full term of four years and for District 3 for a term of two years; and (2) submitting to the voters Measure H relating to the Sales Tax, Measure I relating to District-Based elections, and Measure J relating to City Charter Language Update and Modernization.

RECOMMENDATION: It is recommended by the City Clerk that the Council: 1) by resolution, recite the fact and declare the results of the Consolidated General Municipal Election held on Tuesday, November 8, 2022, for the election to the City Council of Mark Stapp for District 2, Victoria Fleming for District 4, Jeff Okrepkie for District 6, each for a full term of four years, and Dianna MacDonald for District 3 for a term of two years, and the approval of City of Santa Rosa Measure H - City of Santa Rosa Funding for Public Safety, Measure I - City of Santa Rosa City Charter Amendment - District - Based Election of Council Members, Measure J - City of Santa Rosa City Charter Update and Modernization; and 2) adopt an Ordinance amending Chapter 3-26 of the Santa Rosa City Code to extend an existing quarter-cent transaction and use tax to fund public safety and violence prevention programs and to update permissible uses of the tax revenues.

**Attachments:** [Resolution](#)  
[Exhibit A](#)  
[Ordinance](#)  
[Certificates of Election](#)  
[Presentation](#)

Stephanie Williams, City Clerk, presented and answered questions from Council.

## PUBLIC COMMENT

Eric Fraser spoke on the erosion of public trust, expressed concern with the undercount of ballots, the need for ranked choice voting, and felt his civil and voting rights were abused.

Anthony spoke congratulating the candidates that won and thanked Council Member Elect Mark Stapp for showing up for his Capstone Project presentation in front of his class at Sonoma State.

Omar Lopez, Generation Housing, spoke thanking Mayor C. Rogers for his service to the community.

**A motion was made by Council Member Sawyer, seconded by Council Member N. Rogers, to waive reading of the text and adopt**

**RESOLUTION NO. RES-2022-250 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON TUESDAY, NOVEMBER 8, 2022, DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW**

**ORDINANCE NO. ORD-2022-019 ENTITLED: ORDINANCE OF THE CITY OF SANTA ROSA AMENDING CHAPTER 3-26 OF THE SANTA ROSA CITY CODE TO EXTEND EXISTING ¼ CENT SPECIAL SALES TAX (ADOPTED BY CITY VOTERS AS MEASURE O AT THE NOVEMBER 2004 ELECTION) FOR AN ADDITIONAL TWENTY YEARS AND EXPANDING ALLOWABLE USES OF FUNDING**

**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

Additional comments to Council Member Schwedhelm and Council Member Sawyer

Council Members made comments to outgoing Council Member Schwedhelm and Council Member Sawyer thanking them for their service to the community and mentoring over the years.

Jen Klose, Executive Director Generation Housing, echoed the comments of Omar Lopez, thanked Council Member Schwedhelm and Council Member Sawyer for their work, for being models of civility while leading with strength, humility and generosity, thanked Mayor C. Rogers for his professionalism as Mayor, and expressed to sitting and newly elected Council Members gratitude for their service.

Brian Ling spoke thanking Council Member Schwedhelm and Council Member Sawyer for their work as exemplary leaders in the community.

Brenden Sweeny, Representative for Congressman Mike Thompson, spoke thanking Council Member Schwedhelm and Council Member Sawyer for their work and pronounced the two congressional record statements delivered by the Congressman in the well of the House would be permanently entered into the congressional record in honor of their achievements for their service to the community and wider nation.

Duane De Witt spoke thanking Council Member Schwedhelm and Council Member Sawyer for their service to the community and congratulated the newly elected members.

Maddie Hirshfield, North Bay Labor Council, spoke thanking Council Member Schwedhelm and Council Member Sawyer for their service and to Mayor C. Rogers in his service as the Mayor.

Calum Weeks spoke thanking Council Member Schwedhelm and Council Member Sawyer for their strong leadership and service to the community.

Efren Carrillo, Burbank Housing, thanked Council Member Schwedhelm and Council Member Sawyer for the partnership and leadership they demonstrated with the residents and the entire county, and thanked Mayor C. Rogers for his leadership.

Council Member Schwedhelm thanked everyone for their comments, always wanting to make a difference in the community, being proud of Santa Rosa, commended City Manager Smith and City Attorney Gallagher for their work, thanked city staff for all their work, thanked his family for their support, and thanked Mayor C. Rogers for making a difference

in the community.

Council Member Sawyer spoke on being humbled by all the kind words, he thanked the voters for putting him on the Council for four terms and stated it was an honor to serve the community. He thanked his husband for his support and thanked Mayor C. Rogers and previous Mayors for their work for the community.

**17.2 ADMINISTRATION OF OATH OF OFFICE TO NEWLY ELECTED COUNCIL MEMBERS, PRESENTATION OF CERTIFICATES OF ELECTION, AND SEATING OF THE NEWLY ELECTED COUNCIL MEMBERS**

City Clerk Williams administered the Oaths of Office to the newly elected Council Members Fleming, MacDonald, Okrepkie, and Stapp.

**PUBLIC COMMENT**

Sergo congratulated the new Council Members and knows they will help the city.

Bolina spoke congratulating the new Council Members.

Council Member Okrepkie thanked his family for their support, especially his wife, and to his parents for setting a great example in serving his community, his kids, his treasurer, to City staff and looks forward to working with them and working with the Council.

Council Member Fleming thanked her family, partner, parents, friends and everyone who supported her. Council Member Fleming thanked the Mayor for his leadership and the City Clerk's team for shepherding candidates through the process.

Council Member MacDonald expressed her commitment to the city and stated it is an honor to serve with the Council and

thanked her family for their support.

Council Member Stapp thanked his wife, his mom, and the people in the chamber for their support, and looks forward to working on projects in the future.

### 17.3 ELECTION OF MAYOR

It is recommended by the City Attorney that, following induction of the newly elected Council members, the Council elect a Mayor in accordance with Sections 6 and 15 of the Santa Rosa City Charter and Section XII of the City Council Manual of Procedures and Protocols. The Mayor will serve for a term of two years.

**Attachments:** [Staff Report](#)  
[Attachment 1](#)  
[Late Correspondence \(Uploaded 12-13-2022\)](#)

City Attorney Gallagher outlined the voting procedure used for election of a Mayor.

### PUBLIC COMMENT

Eric Fraser spoke expressing concern on the numbers in the election, and district elections being co-opted by special interests.

Ever Flores, Santa Rosa School Board Member District 1, spoke on why the California Voting Rights Act was enacted, and in support for Council Member Fleming being the next Mayor.

Madonna Feather spoke recommending the next Mayor be a woman of color.

Council Member Alvarez made a motion to nominate Council Member N. Rogers for Mayor. Council Member N. Rogers seconded the motion.

Council Member Okrepkie nominated Council Member MacDonald for Mayor. Council Member Stapp seconded the

motion.

Mayor C. Rogers nominated Council Member Fleming for Mayor. Council Member Fleming accepted and seconded the motion.

Council Members were instructed to vote for two nominees. After the first round of voting by ballot, City Attorney Gallagher announced the results as follows:

Council Member MacDonald received three votes.  
Council Member Fleming received two votes.  
Council Member N. Rogers received two votes.

Due to the Council policy stating nominees receiving one vote or less will be eliminated, Council was instructed by City Attorney Gallagher to conduct a second round of voting and for each Council Member to vote for only one nominee.

After a second round of voting by ballot, City Attorney Gallagher announced the results as follows:

Council Member Fleming received two votes.  
Council Member MacDonald received three votes.  
Council Member N. Rogers received two votes.

Due to all the nominees receiving more than one vote, none were eliminated and City Attorney Gallagher recommended to Council a third round of voting for only one nominee or for Council to waive the policy to consider an alternative.

Mayor C. Rogers made a motion to waive the policy and conduct a run-off vote between nominees Council Member N. Rogers and Council Member Fleming, who received two votes each. The winner of the run-off vote would move forward to a vote against nominee Council Member MacDonald. The motion was seconded by Vice Mayor Alvarez and passed

unanimously by the Council.

After a third round of voting by roll call vote, the results were as follows:

Council Member Fleming received three votes.  
Council Member N. Rogers received four votes.

Council Member N. Rogers moved forward in a run-off vote against nominee Council Member MacDonald.

After a fourth round of voting by roll call vote, the results were as follows:

Council Member MacDonald received three votes.  
Council Member N. Rogers received four votes.

Council Member N. Rogers was voted in as the new Mayor for a two-year term ending December 2024.

Vice Mayor Alvarez made comments of thanks to Council Member C. Rogers for mentoring him when he was elected as a new Council Member.

Council Member MacDonald thanked Council Member C. Rogers for his commitment to Santa Rosa.

Mayor N. Rogers thanked Council Member C. Rogers for his service for the past two years.

Council Member Fleming commented on learning from Council Member C. Rogers in his role as Mayor and for finding solutions for each one of the Council Members to shine in serving the residents and their constituents.

#### 17.4 ELECTION OF VICE MAYOR

It is recommended by the City Attorney that, following the

induction of new Council members and the election of a Mayor, the Council elect a Vice Mayor in accordance with Section 15 of the Santa Rosa City Charter and Section XII of the City Council Manual of Procedures and Protocols. The Vice Mayor will serve for a term of one year.

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

#### PUBLIC COMMENT

Pastor Jose, Victory Outreach, thanked Council for their service and being grateful for Council Member N. Rogers becoming the Mayor and for her participation in the community.

A motion was made by Council Member Fleming to nominate Council Member MacDonald for Vice Mayor. The motion was seconded by Council Member C. Rogers. No other nominations were made.

Mayor N. Rogers declared Council Member MacDonald as Vice Mayor by unanimous consent of the Council.

#### **18. PUBLIC COMMENTS ON NON-AGENDA MATTERS**

Peter Allan, President of Wild Oak Homeowners Association, spoke expressing concern on a property having a temporary construction utility meter on a private slope easement that violates a code, that the City granted a permit for occupancy in opposition to the violation, and asked if the City was aware of the legal expenses as the Association pursues their interest to have their slope easements recognized.

John Quinn, Vice President of Wild Oak Home Owners Association, spoke expressing concern with the building department issuing a permit for the installation of gas and electric meters on a private easement that is contrary to city code and their CCRs, and informed Council if the city continues to ignore this law, the City would be exposing itself to serious legal issues.

Jim Alsten spoke on Santa Rosa being an incredible community, and expressed concern and echoed the comments of speakers Peter Allan and John Quinn regarding the installation of gas and electric meters on a private easement that is a code violation.

Natalie Balfour, Airport Business Center, congratulated Mayor N. Rogers and Vice Mayor MacDonald and asked if the Council supports reconsidering the declaration of Garage 5 as surplus land.

**19. 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.**

**20. ADJOURNMENT OF MEETING**

Mayor N. Rogers adjourned the meeting at 7:58 p.m. The next regular scheduled meeting will be held on January 10, 2023, at a time to be set by the Mayor.

**21. UPCOMING MEETINGS**

**21.1 UPCOMING MEETINGS LIST**

**Attachments:** [Upcoming Meetings List](#)

**This item was received and filed.**

**Approved on: February 28, 2023**  
**/s/ Stephanie A. Williams, City Clerk**