City of Santa Rosa

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

City Council
Regular Meeting Minutes - Draft

Tuesday, March 14, 2023 **2:00 PM**

1. CALL TO ORDER AND ROLL CALL

Mayor N. Rogers called the meeting to order at 2:01 p.m.

Present: 7 - Mayor Natalie Rogers, Vice Mayor Dianna MacDonald, Council Member Eddie Alvarez, Council Member Victoria Fleming, Council Member Jeff Okrepkie, Council Member Chris Rogers, and Council Member Mark Stapp

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

No public comments were made.

Mayor N. Rogers recessed the meeting to closed session at 2:03 p.m. to discuss Items 2.1 through 2.3 as listed on the agenda.

2.1 PUBLIC EMPLOYEE - EVALUATION OF PERFORMANCE
(Government Code Section 54957(b))

Title: City Manager

This item was received and filed.

2.2 CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)

Agency Designated Representatives: Mayor Natalie Rogers
Unrepresented Employee: City Manager

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: Bay Cities Paving & Grading, Inc. v. City of Santa Rosa
Court Case No. Sonoma County Superior Court Case No. SCV-265333

This item was received and filed.

Mayor N. Rogers adjourned closed session at 4:37 p.m. and reconvened to the regular session at 4:40 p.m.

3. STUDY SESSION - NONE.

4. ANNOUNCEMENT OF ROLL CALL (IF NEEDED)

Present: 7 - Mayor Natalie Rogers, Vice Mayor Dianna MacDonald, Council Member Eddie Alvarez, Council Member Victoria Fleming, Council Member Jeff Okrepkie, Council Member Chris Rogers, and Council Member Mark Stapp

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

Sue Gallagher, City Attorney, reported Council met in closed session on Items 2.1 through 2.2 and no final action was taken; and on Item 2.3 with direction given to staff and no final action was taken.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PROCLAMATION - AMERICORPS WEEK

Council Member Okrepkie read and presented the proclamation to Noelle Marchetti, Americorps.

No public comments were made.

6.2 PROCLAMATION - ARBOR WEEK IN SANTA ROSA

Council Member Fleming read and presented the proclamation to Jen Santos, Deputy Director - Parks Department.

Tim Bernard, Parks Planner Assistant, also received the proclamation and shared about upcoming tree related events in the City.

PUBLIC COMMENT

Duane DeWitt spoke in support of additional budgeting and funding for tree staff to care for the trees in Santa Rosa.

Peter Tschernoff spoke in support of Arbor Week and various topics.

6.3 PROCLAMATION - NATIONAL SURVEYORS WEEK

Council Member Alvarez read and presented the proclamation. Transportation and Public Works staff Mike Jones, Supervising Land Surveyor; Walt Olawski, Associate Land Surveyor; and Bruce Johnson accepted the proclamation, and thanked the Council on behalf on the National Society of Professional Surveyors, the California Association of Land Surveyors (Sonoma County Chapter).

No public comments were made.

7. STAFF BRIEFINGS

7.1 COMMUNITY EMPOWERMENT PLAN UPDATE

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

Danielle Garduno, Interim Violence Prevention Program Manager, provided a brief update on the Diversity, Equity, Inclusion and Belonging mini grant program which launches April 1, 2023, that the citywide internship program has filled 6 of 10 positions throughout the City, and on the MaryLou Low-Rider patrol car programming and partnership throughout the community.

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

Maraskeshia Smith, City Manager, provide a report on the upcoming Transit Driver Appreciation Day on March 18, the City's new community volunteer clean-up and beautification program "Clean Santa Rosa" and participation in Caltrans' California Community Days statewide 11-day beautification event, and the upcoming Women in Public Safety Day to be held on March 18 at the Fire Training Tower.

No public comments were made.

8.1 REPORT OF SETTLEMENTS AND ACTIVE LITIGATION

The City Attorney will report on settlements over $50,000 through February 2023 as well as provide a summary of pending litigation against the City.

Sue Gallagher, City Attorney, reported there were no settlements

over $50,000, 30 cases on the list consisting of 15 personal injury cases, 8 general litigation case, 3 police matters, 3 writs of mandate and 1 receivership.

9. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS

No statements of abstention were made.

10. MAYOR'S/COUNCIL MEMBERS' REPORTS

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)

Council Member 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)

Council Member Rogers provided a brief report.

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

Council Member Rogers provided a brief report.

Council Member Okrepkie provided a brief report on community events recently attended.

Council Member Alvarez provided a brief report on community events recently attended.

Council Member Stapp provided a brief report.

Vice Mayor MacDonald provided a report on community events recently attended.

Mayor Rogers provided a brief report on community events recently attended.

11. APPROVAL OF MINUTES - NONE.

12. CONSENT ITEMS

PUBLIC COMMENT

Peter Tschernoff spoke on purposefulness, gardening for therapy, and in honor of Luther Burbank.

Approval of the Consent Agenda

A motion was made by Vice Mayor MacDonald, seconded by Council Member Fleming, to waive reading of the text and adopt Consent Items waive reading of the text and adopt Consent Items 12.1 through 12.7. The motion carried by the following vote:

Yes: 7 - Mayor Rogers, Vice Mayor MacDonald, Council Member Alvarez, Council Member Fleming, Council Member Okrepkie, Council Member Rogers, and Council Member Stapp

12.1 RESOLUTION - SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT NUMBER F002506 WITH TERI BLACK & COMPANY, LLC FOR EXECUTIVE AND SENIOR MANAGEMENT RECRUITMENTS

RECOMMENDATION: It is recommended by the Human Resources Department that the Council, by resolution, approve a Second Amendment to Professional Services Agreement Number F002506 with

Teri Black & Company, LLC in the amount of $150,001 for a total contract amount not to exceed $250,000 to provide recruitment services for various executive and senior management level positions.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2023-044 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR RECRUITMENT SERVICES BETWEEN THE CITY OF SANTA ROSA AND TERI BLACK & COMPANY, LLC

12.2 RESOLUTION - APPROVAL OF A DESIGN FUNDING AGREEMENT WITH SMART FOR THE DESIGN OF WEST THIRD STREET SIGNAL AT SMART MULTIUSE PATH CROSSING - CEQA EXEMPT

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, approve and delegate authority to the City Manager to negotiate and execute a Design Funding Agreement in the amount of $153,854.80 between the Sonoma-Marin Area Rail Transit (SMART) and the City of Santa Rosa authorizing the design of the West Third Street signal at the SMART Multiuse Path Crossing.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2023-045 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AND DELEGATING AUTHORITY TO THE CITY MANAGER TO NEGOTIATE AND EXECUTE A DESIGN FUNDING AGREEMENT WITH SMART FOR THE DESIGN OF WEST THIRD STREET SIGNAL AT SMART MULTIUSE PATH CROSSING

12.3 RESOLUTION - AUTHORIZATION FOR REQUEST OF LOW CARBON TRANSIT OPERATIONS PROGRAM FUNDING FOR FY 2022-2023 FOR PURCHASE OF BATTERY ELECTRIC BUS

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, approve and authorize:1) the Deputy Director - Transit to request $507,036 in Low Carbon Transit Operations Program (LCTOP) formula funds to assist in purchasing a battery electric bus; 2) the Deputy Director - Transit to execute the Certifications and Assurances and related documents for the LCTOP grant; 3) the delegation of authority to the Director of

Transportation and Public Works to execute an Authorized Agent Form for the LCTOP designating the Deputy Director - Transit as the City's Authorized Agent; 4) the Chief Financial Officer to increase appropriations in revenue and expenditures by the approved grant award; and 5) the submittal of the City's project nomination and allocation request to the Department of Transportation for FY 2022/23 LCTOP funds.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2023-046 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AND AUTHORIZING A REQUEST FOR $507,036 IN LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP) FUNDS FOR FY 2022-2023

12.4 RESOLUTION - RESOLUTION AUTHORIZING THE FILING AND EXECUTION OF AN APPLICATION FOR FUNDING FROM THE FEDERAL TRANSIT ADMINISTRATION BUSES AND BUS FACILITIES AND LOW OR NO EMISSION PROGRAMS FOR FEDERAL FY 2023 AND COMMITTING ANY NECESSARY MATCHING FUNDS

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution: 1) authorize the Director of Transportation and Public Works or designee to file and execute two grant application(s) and related documents for the Federal Transit Administration's Buses and Bus Facilities Program and the Federal Transit Administration's Low or No Emission Program requesting a combined total of $9,899,120 in grant funds for battery electric buses and electric bus charging infrastructure; and 2) appropriate necessary matching funds.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2023-047 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE FILING AND EXECUTION OF APPLICATIONS FOR FUNDING FROM FEDERAL TRANSIT ADMINISTRATION BUSES AND BUS FACILITIES PROGRAM AND THE FEDERAL TRANSIT ADMINISTRATION LOW OR NO EMISSION BUS PROGRAM FOR FEDERAL FISCAL YEAR 2023 AND APPROPRIATING NECESSARY MATCHING FUNDS

12.5 RESOLUTION - APPROVAL OF SECOND AMENDMENT TO

PROFESSIONAL SERVICES AGREEMENT NUMBER F002284 WITH RENNE PUBLIC LAW GROUP LLP

RECOMMENDATION: It is recommended by the Human Resources Department and City Attorney's Office that the Council, by resolution, approve a Second Amendment to Professional Services Agreement Number F002284 with Renne Public Law Group LLP for specialized labor relations and employment law services increasing the not-to-exceed amount by $250,000, for a total contract not-to-exceed amount of $500,000.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2023-048 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH RENNE PUBLIC LAW GROUP LLP

12.6 RESOLUTION - TERMINATION OF PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY RELATING TO THE THREAT TO COMMUNITY HEALTH POSED BY COVID-19

RECOMMENDATION: It is recommended by the City Attorney's Office that the Council, by resolution, terminate the proclamation of a state of local emergency within the City of Santa Rosa relating to the threat to community health posed by COVID-19, first proclaimed on March 2, 2020 and extended since that time.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2023-049 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA TERMINATING THE PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY DUE TO THE THREAT TO COMMUNITY HEALTH POSED BY COVID-19

12.7 RESOLUTION - EXTENSION OF PROCLAMATION OF LOCAL HOMELESS EMERGENCY

RECOMMENDATION: It is recommended by the Housing and Community Services Department that the Council, by resolution, approve an extension of Resolution No. 28839 which formally proclaimed a local homeless emergency within Santa Rosa.

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2023-050 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA EXTENDING PROCLAMATION OF LOCAL HOMELESS EMERGENCY (Government Code Sections 8630 et seq.)

13. PUBLIC COMMENT ON NON-AGENDA MATTERS

Duane DeWitt invited Council to several community events and spoke on the Governor facilitating groundwater recharge projects.

Peter Tschernoff spoke on Operation Mockingbird, banking system concerns, and other concerns regarding recent community events.

Juan Venegas, Field Representative with the NorCal Carpenter's Union, Local 751, spoke in support of his organization, the benefits of being a member, and the importance of labor standards language for future projects is critical.

Ana Diaz, Roseland School District, spoke to request a crosswalk across from Roseland Creek Elementary.

LATE CORRESPONDENCE

14. REPORT ITEMS

14.1 REPORT - RECOMMENDATION TO RESCIND JUNE 29, 2021 DROUGHT EMERGENCY DECLARATION, RESCIND STAGE 3 OF THE CITY OF SANTA ROSA'S WATER SHORTAGE CONTINGENCY PLAN, REMOVE AUTHORIZATION TO UTILIZE WATER ENTERPRISE FUND CATASTROPHIC RESERVES, AND IMPLEMENT DEMAND REDUCTION ACTIONS CONSISTENT WITH THE REQUIREMENTS OF TITLE 23, SECTION 996(c)(1) OF THE CALIFORNIA CODE OF REGULATIONS FOR THE DURATION THIS EMERGENCY REGULATION IS IN EFFECT

BACKGROUND: In response to drought conditions, on June 29, 2021, the City Council declared a water shortage emergency and adopted Stage 3 of the City of Santa Rosa's Water Shortage Contingency Plan imposing mandatory restrictions and requiring customers to reduce community-wide water use by 20%. Beginning late December 2022, the

region experienced a series of atmospheric rivers filling our region's water supply reservoirs, Lake Sonoma and Lake Mendocino. Lake Sonoma now holds sufficient storage to provide more than three years of water supply. Therefore, required reductions in water use are no longer necessary. However, compliance with the State Water Resources Control Board (State Water Board) adopted emergency water conservation regulations is still required. The City of Santa Rosa can rescind the water shortage emergency and implementation of Stage 3 of the Water Shortage Contingency Plan while retaining measures for compliance with State Water Board emergency regulations.

RECOMMENDATION: It is recommended by the Board of Public Utilities and Santa Rosa Water that the City Council, by resolution, 1) rescind the June 29, 2021 drought emergency declaration, 2) rescind the implementation of Stage 3 of the City of Santa Rosa Water Shortage Contingency Plan, 3) remove authorization for the Water Department to utilize the Water Enterprise Fund Catastrophic Reserves, and 4) direct staff to implement demand reduction actions consistent with Title 23, Section 996(c)(1) of the California Code of Regulations for the duration this emergency regulation is in effect.

Jennifer Burke, Director of Santa Rosa Water, and Peter Martin, Deputy Director - Water Resources, presented and answered questions from Council.

No public comments were made.

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

RESOLUTION NO. RES-2023-051 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA RESCINDING THE JUNE 29, 2021 DROUGHT EMERGENCY DECLARATION, RESCINDING STAGE 3 OF THE CITY'S WATER SHORTAGE CONTINGENCY PLAN, REMOVING AUTHORIZATION FOR SANTA ROSA WATER TO UTILIZE THE WATER ENTERPRISE FUND CATASTROPHIC RESERVES, AND DIRECTING STAFF TO IMPLEMENT DEMAND REDUCTION ACTIONS CONSISTENT WITH THE REQUIREMENTS OF TITLE 23, SECTION 996(c)(1) OF THE CALIFORNIA CODE OF REGULATIONS FOR THE DURATION THIS EMERGENCY REGULATION IS IN EFFECT. The motion carried by the following vote:

Yes: 7 - Mayor Rogers, Vice Mayor MacDonald, Council Member Alvarez, Council Member Fleming, Council Member Okrepkie, Council Member Rogers, and Council Member Stapp

15. PUBLIC HEARINGS

15.1 PUBLIC HEARING - ACCESSORY DWELLING UNIT URGENCY ORDINANCE

BACKGROUND: The proposed Zoning Code text amendment is proposed by way of Urgency ordinance, amending Title 20 of the Santa Rosa City Code - modifying Section 20-42.130, Accessory Dwelling Units, to remain consistent with State law and to include local allowances and protections. This urgency ordinance would be effective upon adoption. Under the City Charter, five affirmative votes are necessary to adopt an urgency ordinance.

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council adopt an urgency ordinance amending City Code Section 20-42.130 to allow Accessory Dwelling Units and Junior Accessory Dwelling Units in compliance with State law.

Jessica Jones, Deputy Director - Planning, and Amy Nicholson, Supervising Planner, presented and answered questions from Council.

Mayor N. Rogers opened the public hearing at 6:00 p.m.

No public comments were made. Mayor N. Rogers closed the public hearing at 6:01 p.m.

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

ORDINANCE NO. ORD-2023-003 ENTITLED: URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE; AMENDING SECTION 20- 42.130 - REGULATING ACCESSORY DWELLING UNITS TO ENSURE CONSISTENCY WITH STATE LAW

Yes: 7 - Mayor Rogers, Vice Mayor MacDonald, Council Member Alvarez, Council Member Fleming, Council Member Okrepkie, Council Member Rogers, and Council Member Stapp

16. WRITTEN COMMUNICATIONS

16.1 STATE LEGISLATIVE UPDATE:

- Support for AB 30 (Ward) -- Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program. Provided for information.

This item was received and filed.

17. PUBLIC COMMENTS ON NON-AGENDA MATTERS

Eric Fraser, Truth in Tourism, spoke on short-term rentals.

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 N. Rogers adjourned the meeting 6:35 p.m in rememberance of Reverend Curtis Byrd, former Planning Commissioner and board member of the Community Advisory Board (CAB), and long-time president of The Gray Foundation. The next regular meeting will be held on Tuesday, March 28, 2023, at a time to be set by the Mayor.

20. UPCOMING MEETINGS

20.1 UPCOMING MEETINGS LIST

This item was received and filed.

Approved on:

Dina Manis, Interim City Clerk