

## Responses to Council Questions and Comments

9/11/2023

Sent to Council 9/11/2023 at 2:15 PM

### **Agenda Changes and Deletions: Discussion and Possible Direction to Require Placement of Story Poles at the Site of the Hotel Proposed at the Corner of B Street and Petaluma Blvd. South**

- Question: Why was the attachment posted when it was?
  - Response: The Clerk's Office was experiencing technical issues with titles disappearing off this agenda packet and reached out to our third party for assistance last week. The issue appears to be resolved now.

### **Item #9: Resolution Authorizing the Purchase of a Computer-Aided Dispatch- Automatic Vehicle Location (CAD-AVL) System from GMV Synchronatics, Inc.**

- Question: If the system is web based and dependent on the cell tower infrastructure, will it go down 100% of the Internet goes down? Will there be a radio backup system on board all transit systems in case an earthquake takes out all the cell towers?
  - Response: Upon implementing the new GMV system, the primary communication system between the buses/drivers and dispatch (located at the Petaluma Transit operations yard -555 N. McDowell Blvd) will be cellular VOIP (voice over IP) communications. However, all buses and dispatch will still maintain usage of their existing over-the-air radio systems to ensure resiliency and redundancy by providing a backup means of communication at all times. All antennae and radios for the over-the-air radio system have battery backups available to keep them in operation in the event of a data/power outage. Additionally, the dispatch office also has a satellite-based emergency phone system installed for added resiliency/redundancy.
- Question: I would like to see expansion of the "integration with micro-transit systems" in discussion and make sure we include possible futures of various micro-transit systems including micro-ecar share systems and multiple small paratransit vans and maybe even an Uber or Lift style system with volunteer drivers.
  - Response: The GMV system has the ability to integrate with third-party microtransit systems, as they have regular experience in doing so, including allowing for vehicles from both systems to display across systems to allow for added compatibility with dispatching, trip scheduling, and a combination of trips using multiple services. Petaluma Transit is planning to launch its first microtransit service in FY24. An ad-hoc group of the Transit Advisory Committee (and other community members) has begun meeting to design the system and determine its structure (i.e., what type of service and vehicle, service areas, etc.) along with considering the creation of a Transportation Network Company (TNC) subsidy program working with companies such as Uber, Lyft, and taxi services to provide additional mobility options through a City-sponsored program. The microtransit service is intended to be a new type of service offering that incorporates the use of smaller vehicle types. This will be shared with Council in the second half of FY24.

**Item #10: Resolution Amending the Classification and Compensation Plan by Establishing the Pay Range of Assistant Director of Community Development, Authorizing the Position Allocation of One Assistant Director of Community Development, and Eliminating the Position Allocation of One Housing Manager**

- Question: Can we see a comparison of the old staffing flow chart with the current changes in item 10 and maybe also all the changes in positions that are in progress? Mention was made of dropping one of the Housing Management personnel so not sure where housing management fits in the new schema.
  - Response: Thank you for your inquiry about the role of Housing Management within the Community Development Department. The decision to eliminate the Housing Manager position was made to pave the way for a more comprehensive role through the Assistant Director of Community Development.

The new Assistant Director's responsibilities will include an expanded focus on housing issues, and support of the Community Development Director, including:

- Implementing the city's new Housing Element
- Protecting existing affordable housing
- Increasing the production of more affordable housing
- Adapting to emerging state housing laws, regulations, and streamlining efforts

By consolidating these housing-related duties under the Assistant Director, we intend to build departmental capacity and realign resources more effectively. This will enable us to engage directly with the public on both current development initiatives and long-term policy planning in a more focused manner.

**Item #12: Resolution Approving Issuance of a Letter of Support for ACA 13 (Ward) Voting Thresholds**

- Question: Please have staff include a couple rebuttals by the opposition and also a report of the probable outcomes that might happen. Some are claiming this is an attack on Prop 13. What does it mean at local, county and state level? What will change - expected outcomes? What will be proposed in follow-up elections? What is the benefit to our city?
  - Response: The main expected change, if adopted by the legislature and approved by voters would be the alignment of initiative measures' vote threshold requirements. For example, if an initiative proposes to increase the voting threshold for a measure to 2/3 vote which previously would be a simple majority, the new initiative itself would require a 2/3 vote. This change would be in effect locally and statewide. This would not affect previously adopted measures like Proposition 13.
  - **Comments from ACA 13's author**. The Protect and Retain the Majority Vote Act, ACA 13, would give Californians the right to vote on retaining the majority vote requirement for passage of state and local initiatives. ACA 13 will require proposed initiatives that seek to increase vote thresholds on future ballot measures to pass with that same proportional higher vote threshold. For example, a measure that would impose a two-thirds vote threshold on future measures should also pass with a two-thirds vote. Cities and counties also often place non-binding advisory measures on the ballot to allow

voters to weigh in on various issues. This is a critical tool that allows voters to advise local government, and ACA 13 would protect the right of cities to place advisory questions on the ballot to ask voters their opinion on issues. With a pattern of abuse of our initiative process to use a lower threshold to set higher thresholds for future voters – and worse, using this tactic to extract legislative action for special interests – the time is right for the Legislature to reflect a protection afforded in the Oregon Constitution since 1998 and adopt ACA 13 to send to the voters for their consideration.

**Does ACA 13 Affect Current Voter Thresholds in Proposition 13?** The provisions of ACA 13 would apply to any initiative constitutional amendment that appears on the ballot in the future and proposes to increase the vote requirement for a state or local ballot measure. ACA 13 does not affect vote thresholds currently in effect. This analysis reflects amendments accepted by the author to insert language stating that the provisions of ACA 13 apply to all statewide initiative measures submitted to the electors on or after January 1, 2024, including measures that appear on the ballot at the same election at which the measure adding this section is approved by the electors. The amendments also contain intent language stating that the provisions of this measure are not intended to reverse or invalidate provisions of the California Constitution in effect before January 1, 2024, including the provisions of Proposition 13 of 1978.

- According to the State Senate analysis, the following are the list of those in support and opposition to ACA 13, and their positions:

**Argument in Support.** In a letter co-sponsoring ACA 13, SEIU California stated, in part, the following: ACA 13 (Ward) Page 6 of 13 One of the most sacred principles of democracy, the majority vote, is under attack. Anti-Democratic efforts are seeking to establish and enshrine the right of a privileged and powerful minority to veto the will of the people. These antidemocratic measures to increase voter thresholds are intended to take away our freedoms such as abortion access and to prevent progress. As a result, we must take additional steps to fortify the foundations of our democracy and place ACA 13 on the March 2024 ballot. ACA 13 is simple. It would retain and protect the majority vote, require any initiative that increases voter approval requirements to also be approved at the higher level, and would ensure local governments can always ask voters for their opinion on issues. ACA 13 protects the democratic principle of “one person, one vote.”

**Sponsor:** California School Employees Association, AFL-CIO SEIU California

**Support:** AAPIs for Civic Empowerment – Education Fund ACLU California Action American Federation of State, County and Municipal Employees, AFL-CIO Alameda County Early Care and Education Planning Council Alameda County Mosquito Abatement District Alliance for a Better Community Alliance for Community Transit Alliance of Californians for Community Empowerment Action Alliance San Diego American Council of Engineering Companies Antelope Valley Mosquito and Vector Control District Apple Valley Fire Protection District Arcade Creek Recreation and Park District Arden Park Recreation and Park District Artesia Cemetery District Asian Pacific Environmental Network Association of California Water Agencies Atascadero Cemetery District Bear Valley Water District Berkeley Fire Department Bighorn-Desert View Water Agency Bonita Sunnyside Fire Protection District Brilliant Corners Burney Fire Protection

District California Association of Recreation & Park Districts California Black Power Network California Calls California Common Cause California Community Foundation California Conference of Carpenters California Conference of Machinists California Conference of the Amalgamated Transit Union California Environmental Justice Alliance California Environmental Voters California Faculty Association California Federation of Teachers California Green New Deal Coalition California Healthy Nail Salon Collaborative California Labor Federation California Municipal Utilities Association California Professional Firefighters California School Employees Association California Special Districts Association California State Association of Counties California Teachers Association California Teamsters CalNonprofits Catalyst California Center on Policy Initiatives Central Coast United for a Sustainable Economy Central Contra Costa County Sanitary District City of Alameda City of Anaheim City of Arcata City of Azusa City of Belmont City of Berkeley Fire Department City of Brentwood City of Buena Park City of Burbank City of Chula Vista City of Cloverdale City of Concord City of Corona City of Cotati City of Cypress City of Elk Grove City of Fairfield City of Fortuna City of Glendale City of Half Moon Bay City of Inglewood City of Irvine City of Kerman City of King City of Lakewood City of Long Beach City of Los Alamitos City of Los Angeles City of Manhattan Beach City of Mission Viejo City of Mountain View City of Napa City of Newark City of Norco City of Norwalk City of Novato City of Oakland City of Oceanside City of Ontario City of Pacifica City of Palo Alto City of Placentia City of Pleasanton City of Rancho Cucamonga City of Riverside City of Roseville City of Sacramento City of San Diego City of San Fernando City of San Francisco City of San José City of San Luis Obispo City of San Pablo City of Santa Rosa City of Shasta Lake City of Soledad City of Stanton City of Tehachapi City of Tustin City of Ukiah City of Upland City of Visalia City of Walnut Creek City of West Hollywood Coalition for Humane Immigrant Rights Coastside County Water District Communities for a Better Environment Communities for a New California Community Coalition Congregations Organized for Prophetic Engagement Contra Costa County Costa Mesa Sanitary District Cosumnes Community Services District Courage California Desert Recreation District Dolores Huerta Foundation Eden Health District El Toro Water District End Poverty in California Evolve California Fort Bragg Fire Protection Authority Fresno Mosquito and Vector Control District Gold Mountain Community Service District Goleta West Sanitary District GPSN GRACE – End Child Poverty in California Groveland Community Services District Hanford Fire Department Health Access California Housing California Human Impact Partners Humboldt Bay Municipal Water District IBEW Local 569 IFPTE Local 20 Innercity Struggle Koreatown Immigrant Workers Alliance League of California Cities League of Women Voters of California Lift up Contra Costa Livermore Area Recreation and Park District Los Angeles Alliance for a New Economy Los Angeles Forward Lutheran Office of Public Policy – California Mammoth Community Water District Mayor Ashleigh Aitken (Anaheim) Mayor Farrah Khan (Irvine) Mayor Karen Bass (Los Angeles) Mayor London Breed (San Francisco) Mayor Matt Mahan (San José) Mayor Patricia Lock Dawson (Riverside) Mayor Rex Richardson (Long Beach) Mendocino Fire Protection District Midpeninsula Regional Open Space District Million Voters Project Monte Vista Water District Monterey Peninsula Regional Park District Mutual Housing California National Association of Social

Workers - California Chapter North Central Fire Protection District North County Fire Protection District Oakland Rising Olympic Valley Public Service District Otay Water District Parent Voices Oakland Physicians for Social Responsibility – LA PowerSwitch Action Public Advocates Rancho Adobe Fire Protection District Rim of the World Recreation and Park District Safe Return Project San Diego for Every Child San Francisco Rising San Joaquin County Mosquito and Vector Control District San Ramon Valley Fire Protection District Santa Clara Valley Water District Santa Clara Valley Open Space Authority Sonoma Water Southern California Association of Non-Profit Housing Southern Marin Fire Protection District Summerland Sanitary District Stege Sanitary District Strategic Concepts in Organizing and Policy Education Tahoe City Public Utility District Three Valleys Municipal Water District Town of Apple Valley Town of Corte Madera Town of Discovery Bay, CSD TreePeople Truckee Sanitary District UNITE-HERE United Domestic Workers/AFSCME Local 3930 Utility Workers Union of America Valley Sanitary District Vista Irrigation District Voices in Solidarity Against Oil in Neighborhoods Working Partnerships USA YMCA of San Diego County

**Argument in Opposition.** In a coalition letter opposing ACA 13, the California Business Roundtable stated, in part, the following: ACA 13 will fundamentally change the initiative process by increasing the voter threshold to pass future limits on taxes and fees only for measures put on the ballot by signature gathering, not those put on by the Legislature. ACA 13 will change the power balance between the Legislature and voters and is yet another attempt to diminish the voice of voters as the right and necessary check-and balance in our system of government. [...] The initiative process is a vital tool for Californians to voice their concerns, propose changes, and stand up for their values. It allows citizens to bypass the usual legislative channels and bring about changes that matter deeply to them. However, ACA 13 risks diminishing these voices, shifting power away from the people and towards the Legislature in a drastic and unprecedented way. Under ACA 13, the power to increase voter thresholds for new and higher taxes would vest solely with the Legislature, taking away a fundamental and often-used tool for voters looking to better control their cost of living and higher taxes. However, the power to reduce voter thresholds would remain with both citizens and the Legislature, creating significant power imbalance and an unlevel playing field. [...] The ballot measure process has posed a significant check-and-balance for both the Legislature and the courts. In fact, in many cases, it is the only recourse taxpayers have when the courts overstep their authority and rule against voters' will.

**Oppose:** Anaheim Chamber of Commerce Brea Chamber of Commerce Apartment Association of Greater Los Angeles Apartment Association of Orange County Brea Chamber of Commerce Building Owners and Managers Association of California California Association of Realtors California Building Industry Association California Business and Industrial Association California Business Properties Association California Business Roundtable California Chamber of Commerce California Farm Bureau California Farm Workers and Families California Forestry Association California Fuels and Convenience Alliance California Hispanic Chambers of Commerce California Hotel and Lodging Association California Manufacturers and Technology Association California Rental Housing Association California Retailers Association California Taxpayer

Protection Committee California Taxpayers Association Carlsbad Chamber of Commerce  
 Central Coast Taxpayers Association Central Valley Business Federation Central Valley  
 Taxpayers Association Chino Valley Chamber of Commerce Citrus Heights Chamber of  
 Commerce Contra Costa Taxpayers Association Dana Point Chamber of Commerce  
 Danville Area Chamber of Commerce Fontana Chamber of Commerce Fremont Chamber  
 of Commerce Garden Grove Chamber of Commerce Gateway Chambers Alliance Greater  
 High Desert Chamber of Commerce Greater Irvine Chamber of Commerce Greater San  
 Fernando Valley Chamber of Commerce Half Moon Bay Coastside Chamber of  
 Commerce Howard Jarvis Taxpayers Association Imperial Valley Regional Chamber of  
 Commerce Inland Empire Latino Coalition – San Bernardino-Riverside Counties Jesse  
 Miranda Center for Hispanic Leadership La Cañada Flintridge Chamber of Commerce  
 Laguna Niguel Chamber of Commerce Lake Elsinore Valley Chamber of Commerce  
 Livermore Valley Chamber of Commerce Lodi Chamber of Commerce Long Beach Area  
 Chamber of Commerce Los Angeles Area Chamber of Commerce Los Angeles Business  
 Federation Los Angeles County Taxpayers Association Mission Viejo Chamber of  
 Commerce NAIOP of California National Diversity Coalition National Federation of  
 Independent Business – California Norwalk Chamber of Commerce Oceanside Chamber  
 of Commerce Orange Chamber of Commerce Orange County Business Council Orange  
 County Taxpayers Association Palm Desert Area Chamber of Commerce Palos Verdes  
 Peninsula Chamber of Commerce Paso Robles and Templeton Chamber of Commerce  
 Placer County Taxpayers Association Redondo Beach Chamber of Commerce  
 Sacramento Taxpayer Association San Diego Tax Fighters Santa Ana Chamber of  
 Commerce Santa Maria Valley Chamber of Commerce Silicon Valley Taxpayers  
 Association Simi Valley Chamber of Commerce Solano County Taxpayers Association  
 South Bay Association of Chambers of Commerce Southern California Leadership Council  
 Sutter-Yuba Taxpayers Association The Chamber of Commerce for Greater Brawley  
 Torrance Area Chamber of Commerce Tulare Chamber of Commerce United Chambers  
 of the San Fernando Valley United Latinos Action Vacaville Chamber of Commerce Valley  
 Industry and Commerce Alliance Ventura County Taxpayers Association Walnut Creek  
 Chamber of Commerce Whittier Together Women Veterans Alliance Yorba Linda  
 Chamber of Commerce Yuba-Sutter Chamber of Commerce 15,000+ Individuals

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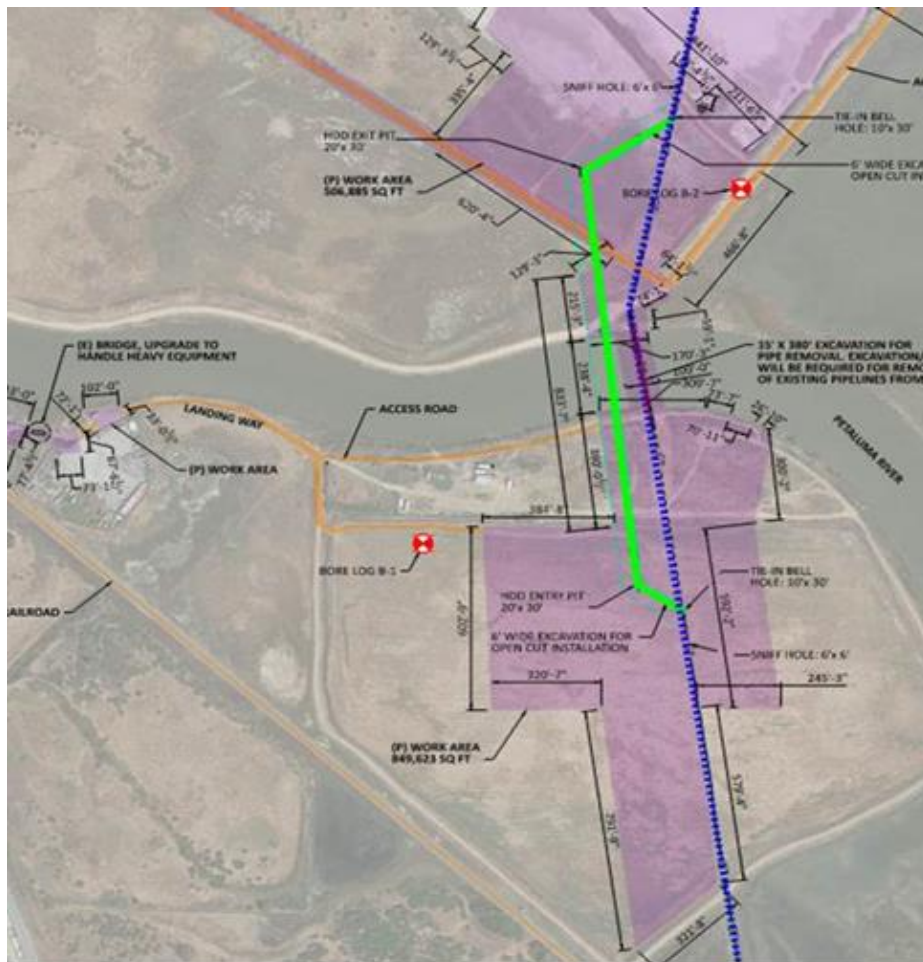
[https://leginfo.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=202320240ACA13](https://leginfo.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202320240ACA13)

**Item #14: Introduction (First Reading) of an Ordinance Granting Temporary and Permanent Easements and Adoption of a Resolution Granting a License for Replacement of PG&E Gas Main Facilities on the City's Shollenberger Park Property**

- Question: The maps show the location of the new line, but not where the old line is now. The old header is south of the new location in the ECWRF property - will it be removed? How does the new line intersect with current line? It looks like it goes under the main Pond. When I was working at SP a couple years ago, biological surveyors were assessing a line that would cross the north trail. It would be nice to see a larger map with both old and new gas lines located and where they connect. Will we have any special event that gets citizens to go to ECWRF for

walking/running during construction? Are any yearly events such as fun runs or boat races affected? PWA operations will be severely impacted and will need to move to ECWRF during construction, but this is not mentioned in the report. The amphitheater is moving ahead but PWA Board is wondering how it can be built while the gas line is being constructed. Different timelines?

- Response: Below is a map showing the existing line (blue dashed) and the new line (green) and how the new line connects in with the existing system. The existing line under the river (dashed blue with red X's) will be removed and the existing line outside of the river will be abandoned in place to reduce the ground disruption in the park. As part of the public outreach efforts alternative walking locations will be promoted such as ECWRF. Staff met with the Petaluma Wetlands Alliance and are working on an alternative location for their docent classes and bench area at ECWRF. Parks and Recreation staff are working with event organizers to host the annual Petaluma Turkey Trot event which starts at the ECWRF but historically utilizes a portion of the Shollenberger Park trail system. Due to the event taking place on the holiday, PG&E has given assurances that participants will have access to the trails requested and the site secured. PGE is aware of the amphitheater project, but the two projects are on different timelines and do not currently impact one another. Additionally, PGE in their response to the City's comments state that "PG&E will also work directly with Petaluma Wetlands Alliance to make sure educational groups can safely navigate their way through the park as needed."



- Question: Will this project impact the use of Shollenberger Park for residence? What are the specific upgrades to the walking trail from the gas line upgrade? Does this timeline seem realistic? Is this a two-phase project? I see an October and July timeline, what does this mean?
  - Response: Shollenberger Park will be closed Monday through Friday to facilitate construction. The park will be partially open to visitors on Saturday and Sunday with the path closed at the actual construction zone, the south-west portion of the park. PGE will need to temporarily widen a portion of the turns to accommodate the larger truck traffic. These improvements are temporary and will be removed once the work is completed. No other trail improvements are required. PGE is required to return the pathway in the same or better condition than it was provided to them in. PGE has a tight time frame and it's broken up into two phases for this project which is determined by their environmental window to access Shollenberger and the Petaluma River. PGE believes the two 3-month windows are realistic for the work. Additionally, PGE in their response to the City's comments state that "PG&E is still working on the details for limited public opening on weekends during the construction duration and will finalize those plans with the City of Petaluma prior to construction." Further, PGE's response to potential deterioration of the City's trails will result in a mitigation measure to be "submitted to the City of Petaluma Parks and Recreation Department, (and) will identify



PG&E's commitments (financial or otherwise to ensure that substantial deterioration to trails and other facilities does not occur as a result of displaced visits from Shollenberger Park."

**Item #15: Resolution Declaring the City of Petaluma's Intention to Renew the Petaluma Tourism Improvement District Which Will Collect a Transient Occupancy Tax of 2% of Room Rates from Local Hotel Stays to Pay for Marketing and Promotion Expenses to Increase Hotel Stays in Petaluma**

- Question: Can we get a more in-depth analysis of TOT and thereby hotel activity and occupancy rates?
  - Response: The Transient Occupancy Tax rate in Petaluma is 14%- 10% goes to City, 2% goes to PTID (80% goes to Downtown Association and 20% City) and 2% goes to the County.
- Question: How does our Total TOT compare to other cities in California and other states?
  - Response: Below are TOT rates by City for the surrounding area-

<b>Jurisdiction</b>	<b>City TOT</b>	<b>County District</b>	<b>City District</b>	<b>Total</b>
Cloverdale	10%	2%		12%
Healdsburg	14%			14%
Petaluma	10%	2%	2%	14%
Rohnert Park	12%	2%		14%
Santa Rosa	9%	2%	3%	14%
Sebastopol	12%	2%		14%
Sonoma	10%		2%	12%
Windsor	12%	2%		14%
County Unincorp.	12%	2%		14%

- 
- Question: Are all the new hotels (e.g., Marriott Courtyard) included in the City TOT district?
  - Response: The City receives TOT from all hotels and vacation rentals located within City limits. This includes the newer hotels - Marriott Courtyard, Home2Suites and Hampton Inn.
- Question: Can we get a complete list of all hotels in Petaluma with number of rooms and occupancy rates? How is each one doing financially?
  - Response: Occupancy rates change frequently but are currently hovering around 70-80%. The pandemic impacted occupancy rates, but they continue to show signs of recovery.
- Question: Are the Home 2 Suites included in this district since they are longer term leases?
  - Response: Yes, for all stays less than 30 days. Pursuant to Revenue and Tax Code Section 7280, the City cannot impose TOT for stays longer than 30 days.
- Question: Are we getting TOT from all the VRBO and AirBnB and all other short term rental housing? How are we tracking these?
  - Response: The Finance department tracks all TOT payments by month for each hotel/vacation rental. Financial activity, including TOT paid by hotels/vacation rentals, is

confidential information thus lodging establishments do not share their financial condition with the City.

- **Question:** Can we see a total \$ in and \$ out for the TOT moneys over last few years so we see the changes due to COVID and Drought and their impacts? Future projections? - esp. with expected additions in new hotel(s).

- **Response:** Below are total TOT revenues and spending by FY for the past 5 years.

Transit Occupancy Tax Fund Revenue and Spending 5-year History						
	Actuals				Estimated Actuals	Budget
Revenues	FY 19	FY 20*	FY 21*	FY 22*	FY 23	FY 24
Transient Occupancy Tax	\$ 3,359,945	\$ 2,642,249	\$ 2,131,357	\$ 3,446,339	\$ 3,459,960	\$ 3,775,975
Other (Interest, project funds returned, etc.)	38,502	79,902	306,943	101,797	11,088	642
<b>Total Revenues</b>	<b>\$ 3,398,447</b>	<b>\$ 2,722,151</b>	<b>\$ 2,438,300</b>	<b>\$ 3,548,136</b>	<b>\$ 3,471,048</b>	<b>\$ 3,776,617</b>
Expenditures						
General Fund Support for Tourism Impacts	\$ 1,871,055	\$ 2,668,802	\$ 2,625,792	\$ 1,803,130	\$ 1,951,680	\$ 2,036,147
Capital Projects:						
Dredging		173,000			425,000	25,000
Downtown ADA Improvements	250,000			250,000		250,000
Fire Station # 2 Bathroom Improvements/Expansion	150,000	13,947				
Police Station HVAC	7,000					
Library Roof Replacement	80,000		13,614	1,022		
Museum Seismic Retrofit					51,000	
Cavanaugh Roof Replacement		186,000				
Community Center Repairs		9,101				
Community Baseball Field						500,000
Trestle		50,000		63,000		
Community Events/Downtown Association/Boys and Girls Club	361,513	97,585		58,357	63,456	
COTS and Downtown Streets Team/Mobile Showers		40,000	155,000	405,000	104,849	640,000
Vehicle Replacement	500,000	462,461	395,276	395,276	395,276	395,276
Economic Development Strategy	100,000					
<b>Total Expenditures</b>	<b>\$ 3,319,568</b>	<b>\$ 3,700,896</b>	<b>\$ 3,189,682</b>	<b>\$ 2,975,785</b>	<b>\$ 2,991,261</b>	<b>\$ 3,846,423</b>
* COVID impacted revenues, cost allocation, etc.						

- **Question:** With new hotels in play, what is potential for increased tourism dollars?
  - **Response:** New hotels bring substantial tourism dollars. Depending on the type of hotel, the figures vary. For example, the Appellation Petaluma is expected to generate approximately \$1.9m annually in tax revenues that will come directly to the City which in turn will provide substantial benefit to the Community through a variety of capital projects and programs. In addition, the other portion of tax revenues generated will benefit the Community more broadly with another \$1.4m going to the Schools, County (Transportation) and Community College.