



**City Council
Regular Meeting Minutes - Final**

Tuesday, February 14, 2023

3:30 PM

1. CALL TO ORDER AND ROLL CALL

Mayor N. Rogers called the meeting to order at 3:30 p.m.

Present: 6 - Mayor Natalie Rogers, Vice Mayor Dianna MacDonald, Council Member Eddie Alvarez, Council Member Victoria Fleming, Council Member Jeff Okrepkie, and Council Member Chris Rogers

Absent: 1 - Council Member Mark Stapp

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS - NONE.

3. INTERVIEWS FOR BOARDS, COMMISSIONS AND COMMITTEES

3.1 INTERVIEWS FOR HOUSING AUTHORITY VACANCIES

The Council will interview applicants for the Housing Authority to fill three At-Large vacancies, each to serve a 4-year term expiring December 31, 2026.

Attachments: [Staff Report](#)
[Attachment 1 - Notice of Availability of Applications](#)
[Attachment 2 - Council Policy 000-06](#)
[Attachment 3 - Housing Authority Resolution 1601](#)

Council conducted applicant interviews for three at-large representatives for the Housing Authority.

PUBLIC COMMENT

Duane DeWitt spoke regarding the housing element, thanked two of the applicants for their service, and discussed downtown housing.

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

4. STUDY SESSION - NONE.

5. ANNOUNCEMENT OF ROLL CALL (IF NEEDED)

Present: 6 - Mayor Natalie Rogers, Vice Mayor Dianna MacDonald, Council Member Eddie Alvarez, Council Member Victoria Fleming, Council Member Jeff Okrepkie, and Council Member Chris Rogers

Absent: 1 - Council Member Mark Stapp

6. REPORT, IF ANY, ON STUDY AND CLOSED SESSIONS - NONE.

7. PROCLAMATIONS/PRESENTATIONS - NONE.

8. STAFF BRIEFINGS

8.1 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, Office of Community Engagement, provided updates on the Diversity, Equity and Inclusion Mini-Grant Program, the Citywide Internship Program, and the next steps for the Community Empowerment Plan.

PUBLIC COMMENT

Duane DeWitt spoke expressing concerns community empowerment is not occurring in Roseland and other various parts of the city.

This item was received and filed.

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

Sue Gallagher, City Attorney, informed the Council of upcoming changes to the Brown Act relating to remote appearances by Council Members in meetings.

No public comments were made.

10. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS

Council Member Okrepkie announced he would be abstaining on agenda Items 13.6 and 13.7 due to previously voting on these as a Planning Commissioner.

11. MAYOR'S/COUNCIL MEMBERS' REPORTS

Vice Mayor MacDonald reappointed Andrea Rodriguez to the Community Advisory Board, reappointed Doug McKenzie to the

Bicycle and Pedestrian Advisory Board, appointed Omar Lopez to the Board of Community Service, and provided a brief report on community events recently attended.

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

Council Member Fleming reappointed Jorge Inocencio to the Community Advisory Board Southwest position, and appointed Deble Faulkner to the Art in Public Places Committee.

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

Mayor N. Rogers provided a brief report on community events recently attended and honored and thanked Stephanie Williams, City Clerk, for her dedication and hard work over the past 30 years. The following appointments were made:

Ann Baumgartner as Chair of the Art in Public Places Committee
Logan Pitts as Chair of the Board of Community Services
Calum Weeks as Chair of the Community Advisory Board
Dan Galvin as Chair of the Board of Public Utilities

Stephanie Williams, City Clerk, expressed her thanks for the recognition and has been honored to serve the current and past Councils and the organization.

PUBLIC COMMENT

Duane DeWitt spoke providing comment regarding A Place To Play and other city parks.

Gregory Fearon spoke thanking Stephanie Williams for her service as City Clerk.

11.1 MAYOR'S/COUNCIL MEMBERS' SUBCOMMITTEE AND LIAISON REPORTS (AND POSSIBLE COUNCIL DIRECTION TO BOARD REPRESENTATIVE ON PENDING ISSUES, IF NEEDED)

11.1.1 Council Subcommittee Reports

Council Member C. Rogers provided a brief report on the Special Economic Development Subcommittee meeting.

11.1.2 Sonoma County Transportation Authority/Regional Climate Protection Authority (SCTA/RCPA)

Council Member C. Rogers provided a brief report.

11.1.3 Sonoma County Water Agency (SCWA) - Water Advisory Committee

Mayor N. Rogers provided a brief report.

11.1.4 Association of Bay Area Governments (ABAG)

11.1.5 Sonoma County Agricultural Preservation and Open Space District Advisory Committee

11.1.6 Sonoma Clean Power Authority (SCPA)

Council Member C. Rogers provided a brief report.

11.1.7 Zero Waste Sonoma (formerly known as Sonoma County Waste Management Agency (SCWMA))

11.1.8 Groundwater Sustainability Agency (GSA)

Vice Mayor MacDonald provided a brief report.

11.1.9 Sonoma County Continuum of Care (CoC)

11.1.10 Renewal Enterprise District (RED)

Council Member Fleming provided a brief report.

11.1.11 Public Safety Subcommittee

11.1.12 Other

Council Member Fleming provided a brief report on the Metropolitan Transportation Commission.

Vice Mayor MacDonald provided a brief report on the Violence Prevention Committee.

11.2 BOARD, COMMISSION & COMMITTEE APPOINTMENTS

A motion was made by Council Member C. Rogers, seconded by Council Member Alvarez, to reappoint Commissioner Owen. The motion carried by the following vote:

Yes: 6 - Mayor Rogers, Vice Mayor MacDonald, Council Member Alvarez, Council Member Fleming, Council Member Okrepkie, and Council Member Rogers

Absent: 1 - Council Member Stapp

A motion was made by Council Member Okrepkie, seconded by Mayor N. Rogers, to appoint Jeremy Newton. The motion carried by the following vote:

Yes: 6 - Mayor Rogers, Vice Mayor MacDonald, Council Member Alvarez, Council Member Fleming, Council Member Okrepkie, and Council Member Rogers

Absent: 1 - Council Member Stapp

A motion was made by Mayor N. Rogers, seconded by Vice Mayor MacDonald, to appoint Andrew Smith. The motion carried by the following vote:

Yes: 4 - Mayor Rogers, Vice Mayor MacDonald, Council Member Alvarez, and Council Member Fleming

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

Absent: 1 - Council Member Stapp

12. APPROVAL OF MINUTES

No public comments were made.

12.1 November 15, 2022, Regular Meeting.

Attachments: [Draft Minutes](#)

Approved as submitted.

12.2 November 29, 2022, Regular Meeting.

Attachments: [Draft Minutes](#)

Approved as submitted.

12.3 December 6, 2022, Regular Meeting.

Attachments: [Draft Minutes](#)

Approved as submitted.

13. CONSENT ITEMS

Raissa De La Rosa, Deputy Director of Economic Development, answered questions from Council regarding Item 13.2.

Doug Williams, Facilities Maintenance Coordinator, answered questions from Council regarding Item 13.3.

PUBLIC COMMENT

Duane DeWitt spoke on Items 13.2 and 13.8, recommending public workshops relating to Item 13.2, and advocating residents be allowed to appear at all meetings in person and via Zoom, and for reconsideration of the 3 minute limit for public speaking.

Approval of the Consent Agenda

A motion was made by Vice Mayor MacDonald and seconded by Council Member C. Rogers to waive reading of the text and adopt Consent Items 13.1 through 13.5 and 13.8. The motion carried by the following vote:

Yes: 6 - Mayor Rogers, Vice Mayor MacDonald, Council Member Alvarez, Council Member Fleming, Council Member Okrepkie, and Council Member Rogers

Absent: 1 - Council Member Stapp

13.1 MOTION - AUTHORITY TO ISSUE DESIGN-BUILD REQUEST FOR PROPOSALS FOR THE FULTON ROAD RIPARIAN HABITAT MITIGATION PROJECT (CEQA EXEMPT)

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by motion, approve the use of Design-Build procurement method as in the best interest of the City and authorize issuance of a Design-Build Request for Proposals for the

Fulton Road Riparian Habitat Mitigation Project.

Attachments: [Staff Report](#)

This Consent - Motion was approved.

13.2 RESOLUTION - AMENDED COUNCIL POLICY 000-47 "COMMUNITY PROMOTION FUNDS" (CEQA EXEMPT)

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council, by resolution, adopt the Amended Council Policy 000-47 "Community Promotion Funds."

Attachments: [Staff Report](#)
[Attachment 1 - Original Policy 000-47](#)
[Attachment 2 - Redline Edits to Policy 000-47](#)
[Attachment 3 - Final Policy 000-47](#)
[Resolution](#)
[Exhibit A - Amended Council Policy 000-47 "Community Promotion Funds"](#)

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2023-028 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING THE AMENDED COUNCIL POLICY 000-47 "COMMUNITY PROMOTION FUNDS"

13.3 RESOLUTION - APPROVAL - SECOND AMENDMENT TO GENERAL SERVICES AGREEMENT F002071 TO EXTEND THE TERM OF THE CONTRACT AND INCREASE COMPENSATION WITH MATRIX HG, INC. FOR HVAC MAINTENANCE SERVICES (CEQA EXEMPT)

RECOMMENDATION: It is recommended by the Transportation and Public Works and Finance Departments that the Council, by resolution, approve the Second Amendment to General Services Agreement Number F002071 with Matrix HG, Inc., Concord, California for HVAC maintenance services, for an additional one-year term and increase compensation in the amount of \$65,806.22, for a total amount not to exceed \$235,624.63.

Attachments: [Staff Report](#)
[Resolution](#)
[Exhibit A - Second Amendment to GSA F002071](#)

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2023-029 ENTITLED: RESOLUTION OF THE

COUNCIL OF THE CITY OF SANTA ROSA APPROVING A SECOND AMENDMENT TO GENERAL SERVICES AGREEMENT NUMBER F002071 WITH MATRIX HG, INC. EXTENDING THE TERM OF THE CONTRACT AND INCREASING COMPENSATION

- 13.4** RESOLUTION - APPROVAL OF AMENDMENT TO BLANKET PURCHASE ORDER 166149 WITH SMOTHERS PARTS INTERNATIONAL, INC., SANTA ROSA, CALIFORNIA, FOR THE PURCHASE OF AUTOMOTIVE PARTS AND SUPPLIES (CEQA EXEMPT)

RECOMMENDATION: It is recommended by the Transportation and Public Works and Finance Departments that the Council, by resolution, approve an amendment to Blanket Purchase Order 166149 with Smothers Parts International, Inc., Santa Rosa, California, for the purchase of automotive parts and supplies, to increase compensation, in the amount of \$350,000 for a total amount not to exceed of \$447,000.

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

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2023-030 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AN AMENDMENT TO BLANKET PURCHASE ORDER 166149 WITH SMOTHERS PARTS INTERNATIONAL, INC. FOR THE PURCHASE OF AUTOMOTIVE PARTS AND SUPPLIES

- 13.5** RESOLUTION - SPEED LIMITS ON CROSS CREEK ROAD (CEQA EXEMPT)

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, establish a speed limit of 25 miles per hour on Cross Creek Road between Thomas Lake Harris Drive and Cross Creek Circle North, and establish a speed limit of 30 miles per hour on Cross Creek Road between Cross Creek Circle North and Riebli Road.

Attachments: [Staff Report](#)
 [Attachment 1 - Vicinity Maps](#)
 [Resolution](#)

This Consent - Resolution was adopted.

RESOLUTION NO. RES-2023-031 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING SPEED LIMITS ON CROSS CREEK ROAD

- 13.8** 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 UNTIL SUCH TIME THAT THE STATE AND COUNTY DECLARATIONS OF PUBLIC HEALTH EMERGENCY ARE LIFTED

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 until such time that the state and county declarations of public health emergency are lifted.

Attachments: [Resolution](#)

The Consent - Resolution was adopted.

RESOLUTION NO. RE-2023-032 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 UNTIL SUCH TIME THAT THE STATE AND COUNTY DECLARATIONS OF PUBLIC HEALTH EMERGENCY ARE LIFTED

A motion was made by Vice Mayor MacDonald and seconded by Council Member C. Rogers to waive reading of the text and adopt Consent Items 13.6 and 13.7. The motion carried by the following vote:

Yes: 5 - Mayor Rogers, Vice Mayor MacDonald, Council Member Alvarez, Council Member Fleming, and Council Member Rogers

Absent: 1 - Council Member Stapp

Abstain: 1 - Council Member Okrepkie

- 13.6** ORDINANCE ADOPTION - SECOND READING - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA PREZONING THE

PROPERTIES LOCATED AT 4646 BADGER ROAD AND 999 MIDDLE RINCON ROAD, ALSO IDENTIFIED AS ASSESSOR'S PARCEL NOS. 182-120-034 AND 182-120-035, RESPECTIVELY, TO THE R-1-6 (SINGLE-FAMILY RESIDENTIAL) ZONING DISTRICT; FILE NO. ANX21-001

RECOMMENDATION: This ordinance, introduced at the January 24, 2023, Regular Meeting by a 6-0-1 vote (Okrepkie abstained), will prezone the properties located at 4646 Badger Road and 999 Middle Rincon Road to the R-1-6 (Single-Family Residential) zoning district.

Attachments: [Ordinance](#)

This Consent - Ordinance was adopted.

ORDINANCE NO. ORD-2023-001 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA PREZONING THE PROPERTIES LOCATED AT 4646 BADGER ROAD AND 999 MIDDLE RINCON ROAD, ALSO IDENTIFIED AS ASSESSOR'S PARCEL NOS. 182-120-034 AND 182-120-035, RESPECTIVELY, TO THE R-1-6 (SINGLE-FAMILY RESIDENTIAL) ZONING DISTRICT; FILE NO. ANX21-001

- 13.7 ORDINANCE ADOPTION - SECOND READING - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA PREZONING THE PROPERTY LOCATED AT 1600 MANZANITA AVENUE, ALSO IDENTIFIED AS ASSESSOR'S PARCEL NO. 181-030-005, TO THE RR-40-SR (RURAL RESIDENTIAL SCENIC ROAD COMBINING DISTRICT) ZONING DISTRICT; FILE NO. ANX21-002

RECOMMENDATION: This ordinance, introduced at the January 24, 2023, Regular Meeting by a 6-0-1 vote (Okrepkie abstained), will prezone a property located at 1600 Manzanita Avenue (Assessor's Parcel No. 181-030-005) as Very Low Density RR-40-SR (Rural Residential Scenic Road Combining District) Zoning District.

Attachments: [Ordinance](#)

This Consent - Ordinance was adopted.

ORDINANCE NO. ORD-2023-002 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA PREZONING THE PROPERTY LOCATED AT 1600 MANZANITA AVENUE, ALSO IDENTIFIED AS ASSESSOR'S PARCEL NO. 181-030-005, TO THE RR-40-SR (RURAL RESIDENTIAL SCENIC ROAD COMBINING DISTRICT) ZONING DISTRICT;

FILE NO. ANX21-002

14. PUBLIC COMMENT ON NON-AGENDA MATTERS

Gregory Fearon spoke providing information on the American Rescue Plan Act, the Cares Act, the Bipartisan Infrastructure Law, the Inflation Reduction Act, and the California Interdepartmental Council on Homeless.

Duane DeWitt spoke regarding the current need for senior and other housing in Roseland.

Paul Allen spoke on utility meters on the easement at White Oak Drive.

Tom LaPenna spoke regarding the five mobile home parks not included in the mobile home park ordinance and requested clarification of the rent control amount on city website.

Krystal England spoke requesting the Council add school crosswalk safety to the agenda and adopt crosswalk safety policies.

Thomas Ells spoke regarding the importance of crosswalk safety, federal housing funds, a safe parking site within the city possibly using federal funds, and the Sonoma Developmental Center plan.

Sandra Lemos spoke on the importance of crosswalk safety near schools.

Monika Zapata spoke on crosswalk safety and signage as a resident living on Dutton Avenue who has witnessed two crosswalk accidents.

Martha Valdez spoke on behalf of crosswalk safety.

Nancy, Santa Rosa City Schools employee spoke on crosswalk safety at schools and requested crosswalk safety be added to a future agenda.

Resident spoke regarding Keysight employee recruitment and the challenges of attracting and retaining employees due to the lack of housing for new hires.

Margaret DeMatteo, Housing Policy Attorney with Legal Aid of Sonoma County, spoke regarding mobile home rent increases, and requested the issue be prioritized for the March 9th goal setting meeting.

16. PUBLIC HEARINGS

16.1 PUBLIC HEARING - GENERAL PLAN AMENDMENT (WINTER PACKAGE) HOUSING ELEMENT UPDATE (2023-2031) AND CEQA ADDENDUM TO 2035 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT

BACKGROUND: Public hearing and recommended approval of a General Plan Amendment (Winter Package) for the City of Santa Rosa's 2023-2031 (6th cycle) Housing Element Update. The Housing Element includes a housing needs assessment, evaluation of the existing housing element, housing site inventory analysis, fair housing assessment, potential and actual government constraints analysis, analysis of the Growth Management Ordinance, and housing implementation goals, policies, and programs to support housing production, housing affordability, and housing for special needs populations, among other topics.

RECOMMENDATION: It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council hold a public hearing, provide comments, and by two separate resolutions: 1) adopt an Addendum to the 2035 General Plan Environmental Impact Report; and 2) adopt a General Plan Amendment as part of the Winter General Plan Amendment Package to update the Housing Element of the General Plan for the period of 2023-2031.

Attachments: [Staff Report](#)
[Attachment 1 - HCD Letter Nov 1 2022](#)
[Attachment 2 - HCD Comment Letter Matrix](#)
[Attachment 3 - Planning Commission Resolution](#)
[Attachment 4 - 2023-2031 Housing Element](#)
[Attachment 5 - Planning Commission Correspondence](#)
[Attachment 6 - Public Correspondence](#)
[Resolution 1 - Addendum Adoption](#)
[Exhibit A - 2023 Addendum to the General Plan EIR for the Housing Element](#)
[Resolution 2 - Housing Element Adoption](#)
[Exhibit A - Draft 2023-2031 Housing Element](#)
[Presentation](#)
[Public Hearing Notice](#)
[Late Correspondence \(Uploaded 02-14-2023\)](#)
[Late Correspondence \(Uploaded 02-16-2023\)](#)

Amy Lyle, Supervising Planner, Beatriz Guerrero Auna, Equity and Public Health Planner, and Cynthia Walsh, PlaceWorks, presented and answered questions from Council.

Mayor N. Rogers opened the public hearing at 6:26 p.m.

Adrian Covert spoke in support of housing affordability and provided suggestions to Council regarding the Housing Element.

Duane DeWitt spoke regarding affordable housing for the city's most vulnerable including low income and homeless residents.

Bob Harder spoke in support of adoption of the general plan and amendments, and offered suggestions regarding the development of single family homes.

Lauren Fuhry spoke regarding the need for new housing in Santa Rosa, and suggested changes in the plan before adoption.

Evan Wiig spoke thanking city staff for their development of the plan and their responsiveness, and expressed concerns with the housing and transportation elements of the plan.

Alexa Forrester spoke on the adopted vision zero safety goals, equity, and climate goals.

Gregory Fearon spoke in support of the plan with some exceptions, and commented regarding affordable housing for low income residents.

Kristen Keifer spoke thanking the Council and city staff for their work on the housing element plan, and offered suggestions to make the plan more impactful.

Cliff Wigham spoke regarding car ownership and parking, affordable housing and homeless encampments.

Thomas Ells spoke on zoning changes as a part of the housing element plan.

Margaret DeMatteo, Legal Aid of Sonoma County, spoke in support of the housing element plan, discussed a letter submitted in December relating to changes in fair housing and tenant protections, and encouraged more specific language in the plan.

Joshua Shipper spoke on flexibility and adaptability with the plan.

Steve Birdlebough spoke on reductions in driving and parking minimums, and relying on other forms of transportation such as ebikes.

Chris spoke in support of approval, discussed the connection between housing, transportation and land use, and agreed with others this should be a visionary document.

Mayor N. Rogers closed the public hearing at 7:11 p.m.

A motion was made by Council Member C. Rogers, seconded by Council Member Okrepkie, to waive reading of the text and adopt:

RESOLUTION NO. RES-2023-033 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING AN ADDENDUM TO THE 2035 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT FOR A GENERAL PLAN AMENDMENT TO UPDATE THE HOUSING ELEMENT OF THE GENERAL PLAN FOR THE PERIOD OF 2023-2031

The motion carried by the following vote:

Yes: 6 - Mayor Rogers, Vice Mayor MacDonald, Council Member Alvarez, Council Member Fleming, Council Member Okrepkie, and Council Member Rogers

Absent: 1 - Council Member Stapp

A motion was made by Council Member C. Rogers, seconded by Council Member Okrepkie, to waive reading of the text and adopt:

RESOLUTION NO. RES-2023-034 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING A GENERAL PLAN AMENDMENT TO UPDATE THE HOUSING ELEMENT OF THE GENERAL PLAN FOR THE PERIOD OF 2023-2031 INCLUDING AFFIRMATIVELY FURTHERING FAIR HOUSING AND COMPLIANCE WITH STATE HOUSING ELEMENT LAW, AND AUTHORIZING STAFF TO SUBMIT THE ADOPTED HOUSING ELEMENT TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR CERTIFICATION

The motion carried by the following vote:

Yes: 6 - Mayor Rogers, Vice Mayor MacDonald, Council Member Alvarez, Council Member Fleming, Council Member Okrepkie, and Council Member Rogers

Absent: 1 - Council Member Stapp

15. REPORT ITEMS

- 15.1** REPORT - RESOLUTION MAKING REQUIRED FINDINGS AND APPROVING THE HIRING OF JEFFREY BERK, RETIRED ANNUITANT, AS A TEMPORARY EMPLOYEE TO SERVE AS PART-TIME ACTING CHIEF ASSISTANT CITY ATTORNEY FOR A PERIOD OF LIMITED DURATION (This item was continued from the January 24, 2023, Regular Meeting)

BACKGROUND: Jeffrey Berk retired from his position as Chief Assistant City Attorney as of January 4, 2023. The City is currently conducting an open recruitment for his replacement. It is anticipated that the recruitment could take four to six months. There are critical issues and projects pending which will need to be addressed while the recruitment for a permanent replacement is underway. Mr. Berk has the specialized knowledge and skills to address those critical issues and

projects. Existing staff resources are not otherwise sufficient to undertake that work. To ensure a smooth transition and uninterrupted City operations, it is recommended that Mr. Berk return as a Temporary Employee to serve in the position of part-time Acting Chief Assistant City Attorney pursuant to the provisions of Government Code sections 7522.56, 21221(h), and 21224. In particular, Government Code section 21221(h) permits the hiring of a CalPERS retired annuitant to a vacant position while a recruitment for a permanent placement is underway and Government Code section 7522.56 permits the hiring of a CalPERS retired annuitant when specialized skills are needed in performing work of limited duration. The appointment will also be made in compliance with the City's Use of City Temporary Employees Policy and Hiring Annuitants Policy.

During his employment as Acting Chief Assistant City Attorney, it is recommended that Mr. Berk receive compensation at the rate of \$101.46 per hour with no other benefit, incentive, compensation in lieu of benefit, or other form of compensation paid.

RECOMMENDATION: It is recommended by the City Attorney's Office and Human Resources Department that the Council, by resolution, approve Jeffrey Berk to be hired as a Temporary Employee to the position of part-time Acting Chief Assistant City Attorney for a limited period from February 21, 2023 through February 20, 2024, or until the permanent full-time position is filled, whichever is sooner, and certify the appointment is necessary to fill the critically needed Chief Assistant City Attorney position.

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

Amy Reeve, Human Resources Director, presented and answered questions from Council.

No public comments were made.

A motion was made by Council Member Okrepkie, seconded by Council Member C. Rogers, to waive reading of the text and adopt:

RESOLUTION NO. RES-2023-035 ENTITLED: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ROSA APPROVING HIRING OF

JEFFREY BERK AS A TEMPORARY PART TIME EMPLOYEE INTO THE POSITION OF ACTING CHIEF ASSISTANT CITY ATTORNEY FOR A LIMITED DURATION FROM FEBRUARY 21, 2023 THROUGH FEBRUARY 20, 2024 OR UNTIL THE PERMANENT POSITION IS FILLED

The motion carried by the following vote:

Yes: 6 - Mayor Rogers, Vice Mayor MacDonald, Council Member Alvarez, Council Member Fleming, Council Member Okrepkie, and Council Member Rogers

Absent: 1 - Council Member Stapp

17. WRITTEN COMMUNICATIONS - NONE.

18. PUBLIC COMMENTS ON NON-AGENDA MATTERS

Brad Pipal spoke regarding a complaint against the Santa Rosa Police Department.

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]

20. ADJOURNMENT OF MEETING

Mayor N. Rogers thanked the students who provided art for February, acknowledged Black History Month and adjourned the meeting at 7:27 p.m. The next regularly scheduled meeting will be on February 28, 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: March 28, 2023
/s/ Rhonda Bolla, Deputy City Clerk