

Committee (WAC) representative to vote in favor of approving the proposed 2015/16 Sonoma County Water Agency (SCWA) water transmission budget and water rate increase request.

Presenters: Linda Reed, Deputy Director Utilities Administration, and Michael Gossman, Division Manager for Sonoma County Water Agency.

MOVED by Council Member Schwedhelm, seconded by Council Member Carlstrom, and **CARRIED** 4-2-1 (Mayor Sawyer, Vice Mayor Coursey, Council Members Carlstrom and Schwedhelm voting yes; Council Members Combs and Wysocky voting no; Council Member Olivares absent) to authorize Santa Rosa's Water Advisory Committee representative to vote in favor of approving the proposed 2015/16 Sonoma County Water Agency water transmission budget and water rate increase request.

12.3 REPORT - SEVENTH AMENDMENT TO COOPERATIVE AGREEMENT TO IMPLEMENT THE SONOMA COUNTY ENERGY INDEPENDENCE PROGRAM

BACKGROUND: On April 14, 2009, the City Council adopted Resolution No. 27342 assenting to the City of Santa Rosa's participation and inclusion in the Sonoma County Energy Independence Program (SCEIP) with conditions requiring a re-examination of the allocation of the carbon and renewable energy credits (RECs) attributable to the participation of Santa Rosa residents and businesses. After follow-up discussion between the County and the City, staff proposes a Seventh Amendment which extends the City's participation in SCEIP for ten (10) years and outlines an agreement regarding carbon credits and RECs attributable to SCEIP.

RECOMMENDATION: It is recommended by the City Manager's Office that the Council, by resolution, approve the Seventh Amendment to the Cooperative Agreement to participate in the Sonoma County Energy Independence Program (SCEIP) for another ten (10) years.

Presenter: Tasha Wright, Administrative Analyst

MOVED by Council Member Combs, seconded by Council Member Wysocky, and **CARRIED** 6-0-1 (Mayor Sawyer, Vice Mayor Coursey, Council Members Carlstrom, Combs, Schwedhelm and Wysocky voting yes; Council Member Olivares absent) to waive reading of the text and adopt:

RESOLUTION NO. 28623 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE SEVENTH AMENDMENT TO COOPERATIVE AGREEMENT TO IMPLEMENT ENERGY INDEPENDENCE PROGRAM EXTENDING THE COOPERATIVE AGREEMENT WITH SONOMA COUNTY FOR AN ADDITIONAL TEN YEARS AND MAINTAINING PARTICIPATION IN THE SONOMA COUNTY ENERGY INDEPENDENCE PROGRAM (SCEIP)

12.4 REPORT - SONOMA MARIN AREA RAIL TRANSIT STATION PLATFORM DESIGN

BACKGROUND: On August 5, 2014 SMART submitted 65% designs for the rail station platforms for the City's review and comment. On September 15, 2014, comments were sent by City staff to SMART outlining concerns related to station access, parking, interface with CityBus, and platform design. On November 6, 2014 the Sonoma County Transportation Authority (SCTA) sent comments to SMART with specific recommendations for shelters and furniture from the Sonoma County jurisdictions that will have stations in the first phase of operations. On February 19, 2015 the City

received a letter from SMART outlining the revised design aesthetic adopted by the SMART Board and outlining options for the City's consideration and requesting a response to those options by March 31, 2015.

RECOMMENDATION: It is recommended by the Community Development and Public Works Departments that the Council, by motion, direct the City Manager to provide comments to the Sonoma Marin Area Rail Transit (SMART) Agency regarding platform design aesthetic and color.

Presenter: Lisa Kranz, Supervising Planner. Jason Nutt, Director of Transportation and Public Works, responded to questions.

PUBLIC COMMENT

Steve Birdlebough spoke in support of shelter design Option 2 and encouraged the Council to get more involved in the details of SMART while critical decisions are being made.

Willard Richards spoke regarding issues around the use of aluminum slats for seating in the shelters, location of the path on the west side of the tracks between W. Third Street and W. Sixth Street, and location of a future traffic signal.

MOVED by Council Member Wysocky, seconded by Council Member Schwedhelm, and **CARRIED** 6-0-1 (Mayor Sawyer, Vice Mayor Coursey, Council Members Carlstrom, Combs, Schwedhelm and Wysocky voting yes; Council Member Olivares absent) to direct the City Manager to provide Council comments to the Sonoma Marin Area Rail Transit Agency, including the preference for Shelter Design Option 2.

Mayor Sawyer recessed the meeting at 7:08 p.m. and reconvened the meeting at 7:40 p.m. All Council Members were present with the exception of Council member Olivares.

13. PUBLIC HEARINGS

13.1 PUBLIC HEARING - SMOKING REGULATIONS UPDATE (Continued from the February 10, 2015, Regular Meeting)

BACKGROUND: In 2013, the Council established goals and strategic objectives for 2013 to 2015. Council Goal 6 states that the Council will "commit to making Santa Rosa a healthy community where people feel safe to live, work, and play." Strategic Objective #2 is to expand the City's smoking ordinance.

On August 26, 2014, the Council initiated the update to the City's smoking regulations. Based on Council direction and input from stakeholders, a draft smoking ordinance and draft revisions to the Zoning Code were prepared.

The Planning Commission held a public hearing to consider the Zoning Code text changes pertaining to tobacco/smoke shops on October 23, 2014, and voted 5-0-1 to recommend approval of those changes. On December 12, 2014, the Council held a study session to review the draft smoking ordinance and Zoning Code changes. In response to Council and public comment, minor changes were made to the smoking ordinance and a draft revised ordinance was made available for public review. The public hearing was scheduled for February 10, 2015. The Council continued the public hearing to March 31, 2015. The smoking ordinance and the Zoning Code revisions are the subjects of the public hearing.

RECOMMENDATION: It is recommended by the Community Development Department that the Council introduce an ordinance replacing Chapter 9-20 (Smoking in and Around Workplaces and Public Places) with Chapter 9-20 (Smoking Regulations). It is further recommended by the Community Development Department and the Planning Commission that the Council introduce an ordinance to amend Chapter 20-70.020 (Definitions of Specialized Terms and Phrases) of the Zoning Code to include revised definitions related to tobacco/smoke shops and a definition of electronic smoking devices.

Presenters: Erin Morris, Senior Planner, and Karen Milman, MD, MPH, Sonoma County Health Officer.

PUBLIC HEARING

Mayor Sawyer opened the public hearing at 8:41 p.m.

Richard Stanley spoke regarding his improved health from using personal vaporizers instead of cigarettes.

Antonia Harris spoke regarding her improved health from using personal vaporizers instead of cigarettes and

Michael Mullins, Digital Cigz, spoke regarding the health benefits of using vaping products versus tobacco products, the Constitutional right to use his business property and the positive economic impacts of his business and in support of vaping inside of vape shops.

Keith Butler spoke regarding the health benefits from using electronic cigarettes versus tobacco cigarettes and submitted a document regarding a pilot study.

Danielle Terhune spoke in support of allowing vaping inside of vape shops and the positive impacts on her health from vaping versus smoking.

Laurence Wilbur spoke in support of permitting vaping.

Josh Howard, California Apartment Association, spoke in support of allowing apartment owners and rental property owners to set policy regarding smoking and requested the Council extend the time to phase in the prohibition in the common area to 60 days and clarity regarding what landlords need to do to comply with the ordinance.

Linda Ryan, California Apartment Association North Coast, spoke in support of the ordinance but requested the ordinance include clear and specific steps landlords can take to be in full compliance, rather than "appropriate steps" as drafted.

Matthew Tarr spoke regarding the lack of a clear checklist for landlords in the ordinance, questioned how landlords show good faith in compliance, and recommended excluding common areas from the ordinance.

Scott Tarr spoke regarding short timeframe to implement the ordinance and requested additional time.

Gigi Holt spoke regarding her firm's property management practices to not allow smoking and in support of the ordinance provided the tenants are accountable for violations.

Jack Cabot spoke regarding his practice to not allow smoking in his units with the exception of one veteran tenant who cannot leave his unit to smoke.

Georgia Morino spoke in opposition to the ordinance as a regulatory burden and in support of holding the tenants responsible.

Del Dimmick spoke regarding his personal health issues from smoking.

John Walsh spoke in support of the proposed ordinance and requested the Council refer the ordinance back to staff to work with stakeholders regarding the landlord's responsibilities under the ordinance.

Erick Beall, Digital Cigz, spoke in opposition to the ordinance and questioned the reliance on studies cited.

Arlie Haig spoke regarding the negative impacts of smokers on a community garden that is adjacent to a Burbank Housing project that does not allow smoking.

Eddie Walsh spoke in support of using e-cigarettes as a healthier alternative to tobacco cigarettes and suggested allowing e-cigarettes in bars, outdoor spaces, and vape shops.

Laura Cheshareck encouraged the Council to look at all information and not rely on selected studies and spoke regarding the positive impacts on her health since she switched to vaping from smoking.

Tracy Sullivan spoke regarding her transition to e-cigarettes when she was diagnosed with cancer and the resulting positive health effects.

Jaime Kugelberg spoke regarding the benefits of vaping and in opposition to regulating vaping.

Aaron Buchanan spoke regarding his past smoking habit and his ability to reduce his nicotine intake since switching to vaping.

Darrell Curtright spoke regarding his transition from cigarettes to electronic cigarettes and the resulting positive effects on his health and in support of allowing vaping in stores.

Seth Buffum spoke regarding the differences between smoke and vapor and his transition to vaping due to health concerns.

Vincent Baker spoke regarding his transition from cigarettes to e-cigarettes, his ability to engage in sports as a result, and the positive health impacts on members of his family due to e-cigarettes.

Jonathan Mosblech spoke in opposition to the proposed ordinance as it equates traditional cigarettes with electronic cigarettes and regarding studies that show vaping helps with smoking cessation and in support of allowing vaping in bars, outdoors and in vape shops.

Lyndsey Burns, American Cancer Society Cancer Action Network, spoke regarding her right to breathe safely, the danger of airborne particulates, and the nuisance of second-hand marijuana smoke.

Megan Sorensen, American Cancer Society, spoke in support of the proposed ordinance and regarding the health effects of exposure to second-hand smoke and the numbers of multi-unit residents that are exposed to second-hand smoke.

Keith T. Becker spoke regarding limiting liability for landlords and expressed concerns regarding the timing for implementation of the ordinance in condominiums and PUD properties and potential claims against landlords.

Franklin Ward spoke regarding the benefits of vaping versus smoking.

David Baldini spoke regarding his past tobacco addiction and the positive effects of vaping and in opposition to the inclusion of vaping products in the ordinance.

Shan Magnuson, Sonoma County Asthma Coalition, spoke in support of the proposed ordinance as a means for protecting others from second-hand smoke or vapor.

Niqueollette McGowan made a presentation regarding the negative impacts of second-hand smoke on her and her son and in support of the proposed ordinance.

Joshua O'Keefe spoke regarding the positive health benefits from vaping versus smoking and the lack of dangerous

Clayton Davis regarding not lumping people who vape with smokers and compared vaping to harmless fog machines.

Seth Favot spoke in support of treating vaping differently from smoking and the lack of second-hand effects from vaping.

Thomas Riley regarding his experience working at a smoke shop and vaping as a safer alternative to smoking.

Kyle R. spoke regarding his past smoking addiction and his ability to quit cigarettes using e-cigarettes.

Miguel G. expressed concerns regarding youth becoming addicted to e-cigarettes and marijuana.

Andrea M. spoke regarding the negative effects on her health from second-hand smoke and her efforts to keep other youth from smoking.

Pam Granger spoke in support of the proposed ordinance and regarding the impacts to the community if e-cigarettes are not included in the ordinance.

Mayor Sawyer closed the public hearing at 10:08 p.m.

Mayor Sawyer recessed the meeting at 10:08 p.m. and reconvened the meeting at 10:25 p.m. All Council Members were present with the exception of Council Member Olivares.

MOVED by Council Member Carlstrom, seconded by Council Member Combs, and **CARRIED** 6-0-1 (Mayor Sawyer, Vice Mayor Coursey, Council Members Carlstrom, Combs, Schwedhelm and Wysocky voting yes; Council Member Olivares absent) to direct staff to bring back an ordinance banning smoking of tobacco products as outlined in the draft ordinance.

Council **CONCURRED** to allow vaping of medical cannabis by qualified patients in residences and to exclude vaping of cannabis in public places.

MOVED by Council Member Schwedhelm, seconded by Vice Mayor Coursey, and **CARRIED** 6-0-1 (Mayor Sawyer, Vice Mayor Coursey, Council Members Carlstrom, Combs, Schwedhelm and Wysocky voting yes; Council Member Olivares absent) to allow vaping in vape stores provided no one under the age of 18 is permitted in the store.

MOVED by Council Member Carlstrom, seconded by Council Member Combs, and **CARRIED** 6-0-1 (Mayor Sawyer, Vice Mayor Coursey, Council Members Carlstrom, Combs, Schwedhelm and Wysocky voting yes; Council Member Olivares absent) to not allow vaping in public places or within 25 feet of businesses as indicated in the draft ordinance.

MOVED by Council Member Carlstrom and seconded by Council Member Combs to preclude vaping of electronic cigarettes within multi-family units and direct staff to bring back options for public space consumption. The motion **FAILED** 3-3-1 (Council Members Carlstrom, Combs, and Wysocky voting yes; Mayor Sawyer, Vice Mayor Coursey, and Council Member Schwedhelm voting no; Council Member Olivares absent).

MOVED by Council Member Carlstrom, seconded by Vice Mayor Coursey, and **CARRIED** 6-0-1 (Mayor Sawyer, Vice Mayor Coursey, Council Members Carlstrom, Combs, Schwedhelm and Wysocky voting yes; Council Member Olivares absent) to

direct staff to bring back additional information and options for consumption of electronic cigarettes in multi-family units.

MOVED by Council Member Carlstrom, seconded by Vice Mayor Coursey, and **CARRIED** 6-0-1 (Mayor Sawyer, Vice Mayor Coursey, Council Members Carlstrom, Combs, Schwedhelm and Wysocky voting yes; Council Member Olivares absent) to extend time for implementation in multi-family areas by 60 days from the ordinance effective date.

MOVED by Council Member Carlstrom, seconded by Council Member Combs, and **CARRIED** 6-0-1 (Mayor Sawyer, Vice Mayor Coursey, Council Members Carlstrom, Combs, Schwedhelm and Wysocky voting yes; Council Member Olivares absent) to provide landlords with guidelines for tenant compliance that would provide a safe harbor from prosecution by the City,

MOVED by Council Member Combs, seconded by Vice Mayor Coursey, and **CARRIED** 4-2-1 (Vice Mayor Coursey, Council Members Carlstrom, Combs, and Schwedhelm voting yes; Mayor Sawyer and Council Member Wysocky voting no; Council Member Olivares absent) to include second-hand tobacco smoke and second-hand vapor as a public nuisance.

14. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)

14.1 MEMORANDUM TO COUNCIL REGARDING HOUSING ALLOCATION PLAN REQUIREMENTS. Provided for information.

14.2 LETTER IN SUPPORT OF H.R. 813, THE FIXING OPERATIONS OF RESERVOIRS TO ENCOMPASS CLIMATIC AND ATMOSPHERIC SCIENCE TRENDS ACT ("FORECAST ACT"). For Council action.

MOVED by Council Member Carlstrom, seconded by Council Member Combs, and **CARRIED** 6-0-1 (Mayor Sawyer, Vice Mayor Coursey, Council Members Carlstrom, Combs, Schwedhelm and Wysocky voting yes; Council Member Olivares absent) to authorize the Mayor to sign the letter in support.

15. PUBLIC COMMENTS ON NON-AGENDA MATTERS – NONE

16. ANNOUNCEMENT OF CONTINUED CLOSED SESSION ITEMS, RECESS TO CLOSED SESSION IN THE MAYOR'S CONFERENCE ROOM, RECONVENE TO OPEN SESSION, AND ANNOUNCEMENTS – NONE

17. ADJOURNMENT OF MEETING

Hearing no further business, Mayor Sawyer adjourned the meeting at 11:23 p.m. The next regularly scheduled meeting will take place on April 7, 2015, at a time to be set by the Mayor.

Approved on: April 21, 2015

Terri A. Griffin, City Clerk

**SANTA ROSA CITY COUNCIL MINUTES
REGULAR MEETING
CITY HALL, 100 SANTA ROSA AVENUE
DECEMBER 16, 2014**

1. CALL TO ORDER

Mayor Sawyer called the meeting to order at 3:00 p.m.

2. ROLL CALL

Council Members present: Mayor Sawyer, Vice Mayor Coursey, Council Members Carlstrom, Combs, Olivares, Schwedhelm, and Wysocky. Teen Council Member Wang was absent.

3. ANNOUNCEMENT OF CLOSED SESSION ITEMS - NONE

4. STUDY SESSION - SMOKING REGULATIONS UPDATE

In 2013, the Council established goals and strategic objectives for 2013 to 2015. Council Goal 6 states that the Council will “commit to making Santa Rosa a healthy community where people feel safe to live, work, and play.” Strategic Objective #2 is to expand the City’s smoking ordinance for public/private places. On August 26, 2014, the Council directed staff to update the City’s smoking regulations. The purpose of the study session is to present an overview of the proposed changes to Chapter 9-20 of the City Code and to the Zoning Code and how the revised regulations were developed.

Presenters: Erin Morris, Senior Planner; Ellen Swedberg, Department of Health Services, Terese Voge, Department of Health Services

PUBLIC COMMENT

Pamela McGhee spoke on the inability to enforce the no smoking policy in multi-family complexes when a complaint is made to the managers.

Michelle Escobar-McGarry spoke on the efficacy of e-cigs as a cessation aid device.

Shan Magnuson representing the asthma coalition spoke on the dangers of second hand smoke.

Erick Beall spoke on studies that show that second hand vapor does not affect bystanders and the petitions submitted showing support to allow vaping in public.

Jill Whitham, American Cancer Society Cancer Action Network Legislative Ambassador, spoke on the dangers of second hand smoke.

Chaney Delaire spoke in support of the ordinance and making sure the definition of multi-units is clear.

Pam Granger, American Lung Association, spoke on smoke being a nuisance in multi-family housing units.

Nancy Pullen spoke on behalf of California Apartment Association, spoke in favor of Council amending the ordinance but not have landlords being in the position of enforcing the law.

Jock McNeill spoke on self-policing on property.

Michael Mullins, owner of Digital Ciggz Smoke Shop, spoke that they do not sell tobacco products and his concern that the proposed ordinance would change the definition of vapor to smoke.

Lacinda Moore spoke in favor of council adopting an ordinance and her friends appreciate vaping.

Mayor Sawyer recessed the meeting at 4:35 p.m. and reconvened the meeting at 4:43 p.m.

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

6. PROCLAMATIONS/PRESENTATIONS - RETIREMENT OF RICK MOSHIER, DIRECTOR OF TRANSPORTATION AND PUBLIC WORKS

Mayor Sawyer presented the proclamation to Rick Moshier.

PUBLIC COMMENT

Anne Seeley congratulated Rick Moshier on his retirement.

7. STAFF BRIEFINGS

7.1 MYSANTAROSA APP

Launched in 2013, MySantaRosa is a web and smartphone-based portal to provide information about City services and receive service requests from residents. Staff will give an update on adoption and usage of the system.

Presenter: Eric McHenry, Chief Technology Officer

PUBLIC COMMENT

Lacinda Moore spoke on the apps that are available and made a suggestion that the home screen should note that the apps have been updated.

7.2 QUARTERLY REPORT ON CAPITAL IMPROVEMENT PROGRAM PROJECTS

Staff provided an update on Capital Improvement Program (CIP) projects from July to September 2014. The briefing will include project updates, fund transfers and major expenditures, recently completed projects and projects under construction. CIP projects provide the infrastructure that is critical to the economic vitality and quality of life in Santa Rosa.

Presenter: Colleen Ferguson, Deputy Director Engineering Services

PUBLIC COMMENT

Lacinda Moore spoke on CAB getting a general crash course on CIP and asked for a more in-depth project.

7.3 NEIGHBORHOOD REVITALIZATION PROGRAM HOLIDAY MEAL OUTREACH

Staff provided an update on the Neighborhood Revitalization Program (NRP) Holiday Meal Outreach effort. This is the 11th year NRP has managed the collection and distribution of food in the focus neighborhoods. Funded solely through City employee

report will highlight some of the progress made by staff on the Strategic Objectives.

RECOMMENDATION: It is recommended by the City Manager's Office that the Council, by motion, accept the 2014 fourth quarter update for the 2013-15 Strategic Objectives.

Presenter: Charles Regalia, Assistant City Manager and Director of Community Development

PUBLIC COMMENT

Colleen Fernald spoke in support of making emergency preparedness and the COPE program higher priorities.

MOVED by Council Member Combs, seconded by Council Member Olivares and **CARRIED** unanimously to accept the 2014 fourth quarter update for the 2013-15 Strategic Objectives.

12.4 REPORT - SMOKING REGULATIONS UPDATE

BACKGROUND: In 2013, the Council established goals and strategic objectives for 2013 to 2015. Council Goal 6 states that the Council will "commit to making Santa Rosa a healthy community where people feel safe to live, work, and play." Strategic Objective #2 is to expand the City's smoking ordinance for public/private places. The Community Development Department was tasked with bringing forward revised regulations for smoking in public and private places. The purpose of this item is to bring forward ideas for changes to the City's smoking regulations to further reduce the impacts of second hand smoke, and to seek Council direction to proceed.

RECOMMENDATION: It is recommended by the Community Development Department that the Council, by motion, direct staff to update the City's smoking regulations to: 1) Prohibit smoking in attached multifamily housing, including duplexes, apartments, and condominiums and any building that contain two or more attached residential units; 2) Eliminate any allowance for smoking in "recreational areas" and on City-owned recreational properties including parks; 3) Prohibit smoking at all City-owned properties including (but not limited to) office buildings, recreation centers, public safety facilities, parking garages, and parking lots; 4) Prohibit smoking at bus stops and within bus shelters; 5) Revise definition of "smoking" in Chapter 9-20 to explicitly include use of electronic cigarettes, and evaluate the Zoning Code to determine if revisions are needed related to electronic cigarettes; and 6) Evaluate increasing the percentage of guest rooms within hotels and motels that must be smoke-free from 50% to 75%.

Presenter: Erin Morris, Senior Planner

PUBLIC COMMENT

Daniel Shultz, downtown business owner, expressed concerns regarding those who have asthma and other health conditions, spoke in support of regulating smoking in multi-family dwellings, and encouraged the Council to amend ordinance to explicitly prohibit e-cigarettes inside businesses.

Pam Granger, American Lung Association, spoke in support of staff's recommendations and suggested expansion of Item 4 to include service areas, a declaration of second-hand smoke as a nuisance, and changing the current definition of "reasonable distance" from 20 feet to 25 feet.

Barbara Stafford, resident of Vista del Lago, expressed concerns that many units within her subdivision would not be covered under the proposed definition of multifamily housing, expressed concerns regarding the hazards of second-hand smoke, and

suggested broadening the definition of attached housing to include housing that is attached by a fence or prohibiting second-hand smoke in residential housing.

Shan Magnusen, Chair of the Sonoma County Asthma Coalition, spoke in support of staff's recommendations with the changes proposed by the other speakers.

Jenny Bard read a statement from an elderly disabled person who lives in Bethlehem Towers and has benefitted from the building's no-smoking policy and who requested smoke-free bus stops and shelters, more distance from doorways for smokers and greater regulation of e-cigarettes.

Michelle Escobar-McGarry, Chair of the Coalition for a Tobacco-free Sonoma County, spoke in support of staff' recommendations and read a letter from Jock McNeill, President of North Coast Rental Housing Association, in support of an ordinance prohibiting smoking in multifamily housing that does not hold a landlord liable for non-compliance and that includes e-cigarettes and all combustible material.

Peter Tscherneff spoke regarding the dependence on smoking by veterans, expressed concerns regarding second-hand smoke from Wednesday Night Market barbeques and car exhaust, and addressed other causes of cancer.

Keith Garcia spoke in support of the use of electronic cigarettes as a better alternative when quitting the use of tobacco cigarettes.

Colleen Fernald spoke regarding how difficult it is to quit smoking and the benefits of using alternative methods to help employees and others quit smoking.

MOVED by Council Member Wysocky, seconded by Council Member Olivares and **CARRIED** unanimously to direct staff to update the City's smoking regulations to: 1) Prohibit smoking in attached multifamily housing, including duplexes, apartments, and condominiums and any building that contain two or more attached residential units; 2) Eliminate any allowance for smoking in "recreational areas" and on City-owned recreational properties including parks; 3) Prohibit smoking at all City-owned properties including (but not limited to) office buildings, recreation centers, public safety facilities, parking garages, and parking lots; 4) Prohibit smoking at service areas, including bus stops and within bus shelters; 5) Revise definition of "smoking" in Chapter 9-20 to explicitly include use of electronic cigarettes, and evaluate the Zoning Code to determine if revisions are needed related to electronic cigarettes; 6) Evaluate increasing the percentage of guest rooms within hotels and motels that must be smoke-free from 50% to 75%; and 7) Increase "reasonable distance" in the current policy from twenty feet to twenty-five feet; and to research issues related to the declaration of second-hand smoke as a public nuisance.

12.5 REPORT - RIGHT OF WAY FOR CALTRANS LAGUNA DE SANTA ROSA BRIDGE REPLACEMENT PROJECT

BACKGROUND: Caltrans is preparing to construct a project to widen the Highway 12 bridge over the Laguna de Santa Rosa. The bridge will be widened to include two travel lanes, wide shoulders, and sidewalks on both sides of the roadway. In order to accomplish this project, Caltrans must obtain Right of Way and Construction Easements from property owners within the area of work. These include the cities of Sebastopol and Santa Rosa, the Sonoma County Agricultural Preservation and Open Space District (SCAPOSD), and various private property owners adjacent to the limits of the project.

The City of Sebastopol and SCAPOSD have granted rights to Caltrans for this project. The City of Santa Rosa owns property adjacent to Caltrans' Highway 12 right of way as part of the City's subregional wastewater treatment plant operations. City of Santa Rosa property needed for the Caltrans project includes permanent right of way (19,459