

**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

contributions and donations from local businesses, the program provides low income families with a nutritious meal, an opportunity to engage directly with staff, and build community during the holiday season.

Presenters: Carmelita Howard, Economic Development & Housing Manager; Rafael Rivero, Community Outreach Specialist.

#### PUBLIC COMMENT

Duane DeWitt spoke on the merits of the program and how the city could get the word out to parts of the Roseland area to be considered as a recipient.

## **8. APPROVAL OF MINUTES**

### **8.1 December 2, 2014, Regular Meeting**

Approved as submitted.

## **9. MAYOR'S/COUNCILMEMBERS' REPORTS**

### **9.1 STATEMENTS OF ABSTENTION BY COUNCILMEMBERS**

The Mayor and members of the Council made comments, announcements and reports of interest to the Council. No statements of abstentions were made.

### **9.2 MAYOR'S/COUNCILMEMBERS' REPORTS**

9.2.1 Council Subcommittee Reports – None.

9.2.2 Sonoma County Transportation Authority/Regional Climate Protection Authority (SCTA/RCPA) – None.

9.2.3 Sonoma County Water Agency (SCWA) - Water Advisory Committee – Council Member Carlstrom provided a drought update.

9.2.4 Association of Bay Area Governments (ABAG) – None.

9.2.5 Sonoma County Agricultural Preservation and Open Space District Advisory Committee – None.

9.2.6 Sonoma Clean Power Authority (SCPA) – None.

9.2.7 Sonoma County Waste Management Agency (SCWMA) – None.

#### **ELECTION OF SONOMA COUNTY WASTE MANAGEMENT AGENCY REPRESENTATIVES**

The Council will elect and appoint by resolution a representative and alternate representative to the Sonoma County Waste Management Agency Board of Directors.

**MOVED** by Council Member Olivares, seconded by Council Member Schwedhelm, accepted by Mayor Sawyer and **CARRIED** unanimously to appoint Mayor Sawyer as the representative to the Agency.

**MOVED** by Council Member Olivares, seconded by Council Member Carlstrom, accepted by Council Member Wysocky and **CARRIED** unanimously to appoint Council Member Wysocky as the alternate representative to the Agency.

9.2.8 Other

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

City Manager McGlynn reported that the public comments session on the council's goal setting will be held at the Council Meeting on Tuesday, January 27, 2015. He gave a storm updated and reported over five inches of rain fell during the storm and on staff efforts to prevent backups and flooding. He praised the communication/coordination efforts between departments, to the Council, and to the public. He reported that he attended the "Shop with a Cop" event at Target and thanked the partners in the program, Valley of the Moon Children's Center, Community Action Partnership, and Target for their efforts and contribution to the community.

**11. CONSENT ITEMS**

PUBLIC COMMENT – None.

**MOVED** by Vice Mayor Coursey, seconded by Council Member Carlstrom, and **CARRIED** unanimously to waive reading of the text and adopt:

**11.1 RESOLUTION - APPROVAL OF AMENDMENT NO. 1 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA ROSA AND UNIT 14 - POLICE CIVILIAN TECHNICAL - SERVICE EMPLOYEES INTERNATIONAL UNION, SEIU, LOCAL 1021**

**RESOLUTION NO. 28589 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING FOR AND ON BEHALF OF THE EMPLOYEES IN THE CITY'S UNIT 14 – POLICE CIVILIAN TECHNICAL UNIT REPRESENTED BY THE SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 1021, FOR THE PERIOD OF JULY 15, 2014 - JUNE 30, 2016

**11.2 RESOLUTION - EASEMENT DEED FOR PG&E FIRE STATION 5 - 2201 NEWGATE COURT**

**RESOLUTION NO. 28590 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING EXECUTION OF AN EASEMENT DEED FOR PACIFIC GAS AND ELECTRIC COMPANY (PG&E) AT 2201 NEWGATE COURT FIRE STATION 5 PROJECT

**12. REPORT ITEMS**

**12.1 REPORT - AMENDMENT TO THE CLASSIFICATION AND SALARY PLAN TO REORGANIZE THE FINANCE DEPARTMENT**

BACKGROUND: Currently, there is a vacant Financial Reporting Manager (FRM) position that oversees the Financial Reporting Team. The Finance Department recently attempted to recruit for the vacant position of Financial Reporting Manager, however, was unsuccessful in filling the vacancy. The management team determined that with a Deputy Director position that now oversees both the Budget Team and the Financial Reporting Team, the level of supervision previously provided by the FRM is no longer

needed.

For FY 2014-15, there is no increased cost to the General Fund for this reorganization as there are sufficient appropriations available from three vacant positions within the Finance Department budget to cover the additional cost. The approximate ongoing cost to the General Fund for the two proposed positions will be \$178,218, an increase of approximately \$24,611.

**RECOMMENDATION:** It is recommended by the Finance Department and the Human Resources Department that the Council, by resolution, amend the City's Classification and Salary Plan to eliminate one (1) Financial Reporting Manager and to add one (1) FTE Administrative Technician and one (1) FTE Senior Administrative Assistant.

Presenter: Deborah Lachner, Chief Financial Officer.

#### PUBLIC COMMENT

Peter Tscherneff spoke various topics.

**MOVED** by Council Member Schwedhelm, seconded by Council Member Olivares, and **CARRIED** unanimously to waive reading of the text and adopt:

**RESOLUTION NO. 28591 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA TO AMEND THE CLASSIFICATION AND SALARY PLAN TO REORGANIZE THE FINANCE DEPARTMENT AND ELIMINATE ONE FTE FINANCIAL REPORTING MANAGER AND ADDING ONE FTE ADMINISTRATIVE TECHNICIAN AND ONE FTE SENIOR ADMINISTRATIVE ASSISTANT

#### **12.2 REPORT - MICHAEL BYRN'S APPEAL OF THE DENIAL FOR A TAXICAB DRIVER PERMIT WITH THE CITY OF SANTA ROSA**

**BACKGROUND:** Michael Byrn is appealing the Santa Rosa Police Department's denial for a Taxicab Driver Permit with the City of Santa Rosa pursuant to Section 6-87.250(G) - taking and passing a drug test with negative results. Mr. Byrn's test result was not returned with negative results pursuant to the City Code, making him ineligible to reapply for a permit for five (5) years. Mr. Byrn appealed the denial to the Police Department and the initial denial was upheld, he is now appealing the decision of the Police Chief to Council.

**RECOMMENDATION:** It is recommended by the Police Department that the Council, by resolution, deny Michael Byrn's appeal for a Taxicab Driver Permit with the City of Santa Rosa and uphold the Police Department's denial of the application.

Presenters: Craig Schwartz, Police Captain.

Council Members made the following disclosures regarding ex parte communications:

Council Member Wysocky disclosed he had communication with Police Captain Craig Schwartz.

**MOVED** by Council Member Olivares to continue this item to a future date to accommodate the appellant, seconded by Council Member Combs. After Council discussion, Council Member Olivares withdrew his motion.

#### PUBLIC COMMENT

Duane DeWitt spoke regarding the appellants record and asked the Council to continue this item.

Lacinda Moore spoke in support of the Council to continue this item.

**MOVED** by Council Member Combs to continue this item to a future date. There was no second made and the motion failed.

**MOVED** by Council Member Olivares, seconded by Council Member Wysocky, and **CARRIED** 6-1 (Council Member Combs voting No) to waive reading of the text and adopt:

**RESOLUTION NO. 28592 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA UPHOLDING THE DENIAL OF MICHAEL BYRN'S APPLICATION FOR A TAXICAB DRIVER PERMIT WITH THE CITY OF SANTA ROSA

### 13. PUBLIC HEARINGS

#### 13.1 PUBLIC HEARING - BENNETT VALLEY GOLF COURSE GREENS FEE INCREASES FOR CALENDAR YEAR 2015

BACKGROUND: The Bennett Valley Municipal Golf Course is managed by Bennett Valley Golf Shop, Inc. (Operator). The new multi-year agreement that took effect July 1, 2014 includes a Business Plan with actions to create successful operating and capital improvement results for both the City and Operator, including implementation of new rate and player incentives in 2015. Changes include fee increases per individual rounds and annual passes, a new 10 play card, and several discounts for annual pass holders.

RECOMMENDATION: It is recommended by the Department of Recreation and Parks that the Council, by resolution, approve the Greens Fees for the Bennett Valley Golf Course for all play occurring on or after January 1, 2015.

Presenter: Nanette Smejkal, Director of Recreation and Parks; Bob Borowicz,

Mayor Sawyer opened the hearing at 7:28 p.m.

#### PUBLIC HEARING

Gerry Niimi spoke on the benefits of the Bennett Valley Golf Course and against the fee increase.

Seeing no one else wishing to speak, Mayor Sawyer closed the public hearing at 7:31 p.m.

**MOVED** by Council Member Schwedhelm, seconded by Council Member Wysocky, and **CARRIED** 6-1 (Council Member Carlstrom voting No) to amend the resolution adopting the annual pass only and waive reading of the text and adopt:

**RESOLUTION NO. 28593 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE ANNUAL PASS GREENS FEES AT BENNETT VALLEY GOLF COURSE FOR CALENDAR YEAR 2015

**14. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)**

**14.1 QUARTERLY CAPITAL IMPROVEMENT PROGRAM PROJECTS  
UPDATE: JULY - SEPTEMBER 2014. Provided for information.**

**14.2 MARIN/SONOMA MOSQUITO & VECTOR CONTROL DISTRICT  
MANAGER'S REPORT FOR NOVEMBER 2014. Provided for  
information.**

**15. PUBLIC COMMENTS ON NON-AGENDA MATTERS**

Peter Tscherneff spoke on various topics.

Lacinda Moore congratulated the new Council Members and thanked city staff on #hellastorm.

Duane DeWitt spoke on the Brown Act and having a time specific for public comments on the agenda.

**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 7:45 p.m. The next regularly scheduled meeting will take place on January 6, 2015, at a time to be set by the Mayor.

Approved on January 27, 2015:

/s/ Stephanie A. Williams, Deputy City Clerk