

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

**1. CALL TO ORDER AND ROLL CALL**

Mayor Bartley called the regular meeting to order at 3:30 p.m. in the Mayor's Conference Room. Council Members present: Mayor Bartley, Vice Mayor Swinth, Council Members Carlstrom, Combs, Olivares, Ours, and Wysocky.

**2. ANNOUNCEMENT OF CLOSED SESSION ITEMS**

There were no public comments made regarding the closed sessions.

Mayor Bartley recessed the meeting to closed session at 3:30 p.m. to discuss the following matter:

**2.1 CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)**

Agency Designated Representatives: Fran Elm, Human Resources Director, Paul Carroll, Employee Relations Manager, and Janet Cory Sommer, Burke Williams & Sorensen, LLP.

Employee Organizations: Santa Rosa Firefighters Association - Local 1401 (representing City Employee Unit 2); Operating Engineers Local 3, Maintenance and Utility System Operators (Employee Units 3 and 16); Santa Rosa City Employees Association (Employee Units 4, 6, 7); Santa Rosa Police Officers Association, (Employee Unit 5); Service Employees International Union Local 1021, (Employee Units 8 and 14); Public Safety Management Association (Employee Unit 9); Santa Rosa City Attorneys' Association (Employee Unit 17), Santa Rosa Management Association (Employee Unit 18).

Mayor Bartley adjourned closed session at 3:45 p.m. and reconvened the meeting to open session in the Council Chamber at 4:00 p.m.

**3. STUDY SESSION - NONE**

**4. ANNOUNCEMENT OF ROLL CALL**

City Clerk Griffin announced that all Council Members were present.

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

City Attorney Fowler announced that the Council conferred in closed session with its labor negotiators regarding Item 2.1 and there was no action to report from that closed session. She further reported that the Council in its capacity as Successor Agency for the Redevelopment Agency of the City of Santa Rosa conferred with its legal counsel and voted 5-0-1-1 (Mayor Bartley, Vice Mayor Swinth, Council Members Carlstrom, Combs, and Ours voting yes; Council Member Ours absent/recused; Council Member Wysocky abstaining) to initiate litigation with Department of Finance over its denial of housing administrative fees and authorize outside legal counsel to prosecute that litigation, with an estimated cost of \$100,000 depending on the number of plaintiffs.

**6. PROCLAMATIONS/PRESENTATIONS**

**6.1 PROCLAMATION - RUSSIAN RIVER CLEANUP DAY**

Council Member Combs presented the proclamation to Kason Grady, Chair of the Russian River Clean-up Committee.

**PUBLIC COMMENT**

Colleen Fernald spoke regarding her pollution prevention puppet show.

**7. STAFF BRIEFINGS - NONE**

**8. APPROVAL OF MINUTES**

**8.1 August 29, 2014, Special Meeting Minutes**

Approved as submitted.

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

The Mayor, members of the Council made comments, announcements and reports of interest to the Council.

**9.1 STATEMENTS OF ABSTENTION BY COUNCILMEMBERS**

Council Member Ours announced he would abstain on Item 11.3.

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

Mayor Bartley welcomed new City Manager Sean McGlynn.

The Mayor and members of the Council made comments, announcements and reports of interest to the Council.

9.2.1 Council Subcommittee Reports – None.

9.2.2 Other: Vice Mayor Swinth announced an upcoming Community Engagement speaker series with Matt Leighninger co-sponsored by the City and Santa Rosa Together on Thursday, September 25 at noon in the Council Chamber and an Open Government Task Force Public Forum on September 29 at 6:00 p.m. at Church of One Tree.

**9.3 REPORTS REGARDING AGENCY MEETINGS ATTENDED AND POSSIBLE COUNCIL DIRECTION TO REPRESENTATIVES ON PENDING ISSUES BEFORE SUCH BOARDS (IF NEEDED)**

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

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

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

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

9.3.5 Sonoma Clean Power Authority (SCPA) – None.

9.3.6 Sonoma County Waste Management Agency (SCWMA) – Council Member Ours announced the upcoming meeting to be held on September 17, 2014.

9.3.7 Other: Council Member Combs announced City Manager McGlynn's attendance at a Santa Rosa Together/Neighborhood Alliance meeting on October 6.

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

City Manager McGlynn reported on several Fire Department deployments throughout Northern California.

City Attorney Fowler reported on the status of the regulation of rideshare businesses such as Uber and Lyft by the California Public Utilities Commission.

**11. CONSENT ITEMS**

Council Member Combs requested Consent Item 11.1 be pulled for discussion.

**11.2 MOTION - CONTRACT AWARD - FINLEY COMMUNITY CENTER REROOFING**

**MOVED** by Vice Mayor Swinth, seconded by Council Member Olivares, and **CARRIED** unanimously to waive reading of the text and adopt Consent Item 11.2 as follows:

**MOTION TO AWARD CONTRACT NO. C01913, FINLEY COMMUNITY CENTER REROOFING, IN THE AMOUNT OF \$386,637.00 TO THE LOWEST RESPONSIVE BIDDER, MCM ROOFING COMPANY, INC. OF MCCLELLAN, CALIFORNIA, APPROVE A 15% CONTRACT CONTINGENCY, AND AUTHORIZE A TOTAL CONTRACT AMOUNT OF \$444,632.55**

**11.3 RESOLUTION - APPROVAL OF AGREEMENT FOR LOAN OF \$19,634 TO THE SUCCESSOR AGENCY FROM THE CITY'S GENERAL FUND FOR LITIGATION-RELATED EXPENDITURES**

**MOVED** by Vice Mayor Swinth, seconded by Council Member Olivares, and **CARRIED** 6-0-1 (Mayor Bartley, Vice Mayor Swinth, Council Members Carlstrom, Combs, Olivares and Wysocky voting yes; Council Member Ours abstaining), to waive reading of the text and adopt Consent Item 11.3 as follows:

**RESOLUTION NO. 28557 ENTITLED: RESOLUTION OF COUNCIL OF THE CITY OF SANTA ROSA APPROVING A LOAN AGREEMENT FOR A LOAN IN THE AMOUNT OF \$19,634 TO THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA ROSA, AUTHORIZING EXECUTION OF THE LOAN AGREEMENT, FOR LITIGATION-RELATED COSTS, AND MAKING FINDINGS RELATED THERETO**

**CONSENT ITEM PULLED FOR DISCUSSION**

**11.1 ORDINANCE ADOPTION - REVISED 2014 WASTEWATER DEMAND FEES (CONTINUED FROM SEPTEMBER 9, 2014)**

David Guhin, Director of Utilities, presented a timeline. Director Guhin, City Attorney Fowler, and Director Regalia responded to questions.

**PUBLIC COMMENT**

Tux Tuxhorn spoke regarding the timeline chart he distributed to Council.

Curt Nichols spoke regarding the effective date of the fees.

Greg Lucas spoke regarding the effective date of the fees

Colleen Fernald spoke regarding water demand incentives.

Rick Waite spoke regarding the effective date of the fees.

**MOVED** by Vice Mayor Swinth, seconded by Council Member Ours, and **CARRIED** 5-2

(Mayor Bartley, Vice Mayor Swinth, Council Member Combs, Olivares and Ours voting yes; Council Members Carlstrom and Wysocky voting no) to waive reading of the text and adopt:

**ORDINANCE NO. 4034 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 15 (SEWERS) OF THE SANTA ROSA CITY CODE**

**MOVED** by Council Member Combs and seconded by Council Member Carlstrom to change the effective date of the administrative adjustment to May 21, 2014. The motion **FAILED** 3-4 (Council Members Carlstrom, Combs, and Wysocky voting yes; Mayor Bartley, Vice Mayor Swinth, Council Members Olivares and Ours voting no)

Mayor Bartley recessed the meeting at 5:53 p.m. and reconvened the meeting at 6:06 p.m.

**12. REPORT ITEMS**

**12.1 REPORT - RESOLUTION OF SUPPORT FOR THE SANTA ROSA PLAIN GROUNDWATER MANAGEMENT PLAN**

**BACKGROUND:** The Santa Rosa Plain (Plain) covers an area of approximately 80,000 acres and is home to approximately half the population of Sonoma County. Water supply is provided by a combination of groundwater and Sonoma County Water Agency (SCWA) aqueduct system supply from the Russian River. In 2009, SCWA retained the Center for Collaborative Policy to conduct a stakeholder assessment of groundwater users and those interested in groundwater. A Steering Committee was formed to guide preliminary planning and education for groundwater management. The Steering Committee recommended that stakeholders collaboratively develop a non-regulatory, voluntary groundwater management plan for the Plain under Assembly Bill (AB) 3030.

In October 2011, the Board of Public Utilities approved a cooperative agreement to provide funding and support for development of the Santa Rosa Plain Groundwater Management Plan (Plan). In December 2011, the Basin Advisory Panel (Panel) commenced preparation of the Plan. The Panel is comprised of almost 30 technical experts, residential well users, businesses, agricultural groups, environmental organizations, governmental agencies, tribal groups, natural resource managers, and members of the general public. The Panel and associated Technical Advisory Committee has worked diligently to prepare the Plan, and on August 14, 2014, the Panel voted (26-yes, 1-no, 1-absent) to recommend that the SCWA Board of Directors adopt the Plan.

**RECOMMENDATION:** It is recommended by the Board of Public Utilities and the Department of Utilities that the Council, by resolution, support the Santa Rosa Plain Groundwater Management Plan.

**Presenters:** Jennifer Burke, Deputy Director of Water Engineering Resources; Rocky Vogler, Senior Water Resources Planner; Mark Estrada, Hydrologist, Sonoma County Water Agency

**PUBLIC COMMENT**

Stephen Fuller-Rowell, Sonoma County Water Coalition, spoke in support of the Groundwater Management Plan.

Duane DeWitt spoke in support of the Groundwater Management Plan and regarding aquifer recharge in Roseland.

Colleen Fernald spoke in support of the Groundwater Management Plan and regarding regional cooperation in groundwater management.

Peter Tscherneff spoke regarding water quality and various other topics.

Elizabeth Neylon spoke regarding chemical landscaping and various other topics.

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

**RESOLUTION NO. 28558 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA SUPPORTING THE SANTA ROSA PLAIN GROUNDWATER MANAGEMENT PLAN**

### **13. PUBLIC HEARINGS**

#### **\*\*13.1 PUBLIC HEARING - CONTINUED FROM JULY 29, 2014 - SUMMER 2014 GENERAL PLAN AMENDMENT - CALISTOGA COTTAGES APPEAL, GENERAL PLAN AMENDMENT, REZONING, MITIGATED NEGATIVE DECLARATION AND TENTATIVE PARCEL MAP**

**BACKGROUND:** This item was continued from July 29, 2014. It is an Appeal of the Planning Commission's adoption of a Mitigated Negative Declaration, approval of a Tentative Parcel Map to subdivide the subject parcel into four single family lots, and decision to recommend the City Council approve a General Plan Amendment and Rezoning. This project includes a request for a General Plan diagram amendment to change the General Plan land use designation of 0.99 acres located at 408 Calistoga Road from Very Low Density Residential (0.2 to 2.0 units per acre) to Low Density Residential (2.0 to 8.0 units per acre), and a request to rezone from RR-40 (Rural Residential) to R-1-6 (Single Family Residential). On June 26, 2014, the Planning Commission held a public hearing and adopted four resolutions (5-0-2) to adopt the Mitigated Negative Declaration, recommend approval of the General Plan Amendment and Rezoning, and approve a Tentative Parcel Map. On July 7, 2014, an Appeal of the Planning Commission's action was filed by Paul Bussard and Lynn Denley-Bussard.

**RECOMMENDATION:** It is recommended by the Department of Community Development and the Planning Commission that the Council, by three resolutions, deny the Appeal and adopt the Mitigated Negative Declaration for Calistoga Cottages and deny the Appeal and approve a General Plan diagram amendment from Very Low Density Residential (0.2 to 2.0 units per acre) to Low Density Residential (2.0 to 8.0 units per acre); introduce an ordinance denying the Appeal and rezoning the property located at 408 Calistoga Road from RR-40 (Rural Residential) to R-1-6 (Single Family Residential); and, by resolution, deny the Appeal and approve the Tentative Parcel Map subdividing the 0.99-acre parcel into four single family residential lots.

Council Members made the following disclosures regarding ex parte communications:

Council Member Wysocky disclosed that he met with the appellant and the developer and received no additional information.

Council Member Ours disclosed a phone communication with the appellant and received no additional information.

Vice Mayor Swinth disclosed that she met with neighbors and a phone communication with the developer and received no additional information.

Council Member Carlstrom disclosed that she met with neighbors and toured site and received no additional information.

Council Member Olivares indicated he received no additional information.

Council Member Combs disclosed that she met with neighbors, walked the area, had an email exchange with the developer, and received no additional information.

Mayor Bartley disclosed that he visited the site and met with the appellant and the developer and received no additional information.

Presenter: Susie Murray, City Planner

#### PUBLIC HEARING

Appellant Paul Bussard made a presentation in support of the appeal.

Project Applicant Jeff Komar, Real Equity Partners, LLC, made a presentation in support of the project.

Peter Stanley, Vice Chair of the Planning Commission, spoke regarding the Planning Commission's decision on the project.

Mark Spencer, W-Trans, responded to questions regarding the traffic study.

John Meserve, project arborist, responded to questions regarding the existing oak tree drip lines.

Mayor Bartley opened the public hearing at 7:41 p.m.

Karine Villeggiante spoke in support of the appeal.

Paul Kruetzfeldt spoke in support of the appeal.

Colleen Fernald spoke regarding the rural character of the Monte Verde neighborhood.

Peter Tscherneff spoke in support of the appeal.

Lacinda Moore spoke in support of affordable housing and urban density.

Fran Angerer spoke regarding errors in the General Plan Land Use graphic used in the staff presentation.

Seeing no one else wishing to speak, Mayor Bartley closed the public hearing at 8:45 p.m.

Lourdes Lopez, attorney for the appellants, provided rebuttal in support of the appeal based on violations of the General Plan and the land use and growth management policies that prohibit denial of the appeal.

**MOVED** by Council Member Olivares and seconded by Council Member Ours to waive reading of the text and adopt:

**RESOLUTION ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING AN APPEAL AND ADOPTING A MITIGATED NEGATIVE DECLARATION FOR A GENERAL PLAN AMENDMENT FROM VERY LOW DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL, REZONING FROM RR-40 (RURAL RESIDENTIAL) TO R-1-6 (SINGLE FAMILY RESIDENTIAL), AND A TENTATIVE PARCEL MAP TO SUBDIVIDE ONE PARCEL INTO FOUR LOTS FOR THE PROPERTY LOCATED AT 408 CALISTOGA ROAD, ASSESSOR'S PARCEL NUMBER 153-430-032, FILE NO. MJP13-007

The motion **FAILED** 3-4 (Mayor Bartley, Council Members Olivares and Ours voting yes; Vice Mayor Swinth, Council Members Carlstrom, Combs, and Wysocky voting no).

#### 14. WRITTEN COMMUNICATIONS - NONE

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

Colleen Fernald spoke regarding the constitutional oath and International Day of Peace.

Peter Tscherneff spoke regarding his goals if elected as California Governor.

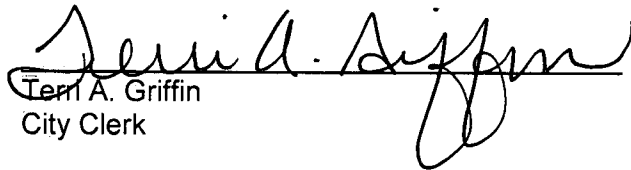
Lacinda Moore spoke regarding drought issues and local agencies working collaboratively to conserve water.

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

**17. ADJOURNMENT OF MEETING**

Hearing no further business, Mayor Bartley adjourned the meeting at 9:17 p.m. The next regularly scheduled meeting will take place on September 23, 2014, at a time to be set by the Mayor.

Approved on: October 7, 2014

  
Terri A. Griffin  
City Clerk