



City Council
Regular Meeting Minutes - Draft

Tuesday, May 2, 2017

12:30 PM

1. CALL TO ORDER AND ROLL CALL

Mayor Coursey called the closed session meeting at 12:33 p.m.

Present: 6 - Mayor Chris Coursey, Vice Mayor Jack Tibbetts, Council Member Julie Combs, Council Member Chris Rogers, Council Member John Sawyer and Council Member Tom Schwedhelm

Absent: 1 - Council Member Ernesto Olivares

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

PUBLIC COMMENT

Duane DeWitt spoke regarding employees benefit packages.

Mayor Coursey recessed the meeting to closed session at 12:36 p.m. to discuss Items 2.1 and 2.2 as listed on the agenda:

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

Agency Designated Representatives: Rhonda McKinnon, Interim Human Resources Director, Anthony Gossner, Fire Chief, Jon Holtzman and Art Hartinger, Renne Sloan Holtzman Sakai 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).

2.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Government Code Section 54956.9)

Name of Case: Timothy Aboudara, Jr. et al. v. City of Santa Rosa

Court Case No. USDC Northern District of CA 3:17-cv-01661

Mayor Coursey adjourned closed session at 3:28 p.m. and reconvened the meeting to open session in the Council Chamber at 3:41 p.m.

3. STUDY SESSION

3.1 QUALITY OF LIFE ORDINANCES - ENFORCEMENT OPTIONS

This Study Session will provide the City Council with an overview of the City's existing ordinances regarding quality of life in the City, and of past, current and proposed practices to enforce those ordinances.

Presented by Sue Gallagher, Assistant City Attorney; Rainer Navarro, Captain, Police Department; and Carmelita Howard, Deputy Director, Housing and Community Services.

PUBLIC COMMENT

Jim Draeger spoke regarding the concerns of the homeless encampments.

Joe Diesieu spoke in support of enforcing the law and expressed the concerns of the homeless encampments.

Allen Thomas spoke in support of working with other jurisdictions to find an effective quality of life issues.

Adrienne Lauby spoke regarding the concerns of enforcing laws towards the homeless.

Duane DeWitt spoke in support of enforcing laws to have a better quality of life.

Thomas Ells spoke regarding the concerns of enforcing laws towards the

homeless.

Kevin Sprenger spoke regarding the concerns of the increasing numbers of the homeless.

Gary Lentz, Metro Chamber, spoke in support of enforcing the law and expressed the concerns of the homeless encampments.

Jonathan Coe, Metro Chamber, spoke in support of enforcing the law and expressed the concerns of the homeless encampments.

Canini spoke regarding the concerns of enforcing laws towards the homeless.

Peter Tscherneff spoke regarding the concerns of enforcing the current laws.

Mikeal O'Toole spoke regarding the concerns of enforcing laws towards the homeless.

Victoria Yanez spoke regarding the concerns of enforcing laws towards the homeless.

Anita LaFollette spoke regarding the concerns of enforcing laws towards the homeless.

Mandy Palmer spoke regarding the concerns of enforcing laws towards the homeless.

4. ANNOUNCEMENT OF ROLL CALL

Present: 6 - Mayor Chris Coursey, Vice Mayor Jack Tibbetts, Council Member Julie Combs, Council Member Chris Rogers, Council Member John Sawyer and Council Member Tom Schwedhelm

Absent: 1 - Council Member Ernesto Olivares

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

City Manager McGlynn announced that Item 14.2 would be continued to the May 23, 2017 meeting.

Interim City Attorney Stricker reported on Items 2.1 and 2.2 that Council

provided direction and that there was no action to report.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PROCLAMATION - CINCO DE MAYO PLANNING COMMITTEE

Mayor Coursey read the proclamation and presented it to Sylvia Lemus and Caroline Banuelos, Co-Directors of the Roseland Cinco de Mayo Festival, and team.

PUBLIC COMMENT

Duane DeWitt spoke in support of the proclamation.

6.2 PROCLAMATION - WATER AWARENESS MONTH

Council Member Schwedhelm read the proclamation and presented it to Colin Close, Senior Water Resources Planner.

PUBLIC COMMENT

Duane DeWitt spoke in support of the proclamation.

Peter Tscherneff spoke regarding water-use awareness.

6.3 PRESENTATION - WATER-USE EFFICIENCY AWARDS

Presented by Colin Close, Senior Water Resources Planner.

7. STAFF BRIEFINGS

7.1 WELCOME ROSELAND

The Office of Community Engagement, in partnership with staff from Planning and Economic Development, will provide an update on the status of the annexation of Roseland. Staff will also give a brief overview of the Welcome Roseland Campaign and will show the first four videos of the campaign. Welcome Roseland is one of the strategies being implemented to provide the public with information about the annexation of Roseland.

Presented by Caluha Barnes, Director of Community Engagement.

PUBLIC COMMENT

Duane DeWitt spoke in support of the innovative approach of the videos presented.

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

Interim City Attorney Stricker reported that the court granted a nationwide preliminary injunction against President Trump's sanctuary jurisdiction executive order; that Sue Gallagher will begin her role as City Attorney on May 8, 2017; and expressed appreciation from the Council, staff and community.

9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS

Vice Mayor Tibbetts announced he will be recusing from Item 12.1.

Interim City Attorney Stricker announced she will be recusing from Items 14.5 and 14.6.

10. MAYOR'S/COUNCILMEMBERS' REPORTS

Mayor and Council Members made announcement and reports of interest to the Council.

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

10.1.1 Council Subcommittee Reports

Council Member Schwedhelm provided a brief report on the Violence Prevention Partnership and Economic Development Subcommittee.

Council Member Rogers provided a brief report on Medical Cannabis Policy Subcommittee.

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

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

10.1.4 Association of Bay Area Governments (ABAG)

10.1.5 Sonoma County Agricultural Preservation and Open Space District Advisory Committee

10.1.6 Sonoma Clean Power Authority (SCPA)

10.1.7 Sonoma County Waste Management Agency (SCWMA)

10.1.8 Other

Mayor Coursey announced that he, Vice Mayor Tibbetts, and Council Member Schwedhelm are appointed to the Housing and Infrastructure Bond Ad Hoc.

10.2 MATTERS FROM COUNCIL REGARDING FUTURE AGENDA ITEMS

10.2.1 REQUEST FOR AGENDA ITEM REGARDING SONOMA COUNTY TRANSGENIC CONTAMINATION PREVENTION ORDINANCE, MEASURE M (NOVEMBER 8, 2016) IN THE CITY OF SANTA ROSA, AND, AT THE RECOMMENDATION OF STAFF, CONSIDERATION OF OTHER OPTIONS TO PREVENT TRANSGENIC CONTAMINATION

BACKGROUND: At the April 18, 2017 City Council meeting, Council Member Combs requested a future agenda item to discuss the City Council's possible adoption of the Sonoma County Transgenic Contamination Prevention Ordinance, Measure M (November 8, 2016). Vice Mayor Tibbetts concurred with the request. If item is to be placed on a future agenda, City staff would like this item to include the discussion of other options available to the City to prevent transgenic contamination in addition to the possible adoption of the County Ordinance.

A motion was made by Council Member Combs, seconded by Vice Mayor Tibbetts, to approve as amended to combine neonicotinoids with transgenic contamination prevention as a study session and list the item under Tier Three (3). The motion carried by the following vote:

Yes: 4 - Vice Mayor Tibbetts, Council Member Combs, Council Member Rogers and Council Member Schwedhelm

No: 2 - Mayor Coursey and Council Member Sawyer

Absent: 1 - Council Member Olivares

11. APPROVAL OF MINUTES

11.1 March 10, 2017, Special Meeting.

Approved as submitted.

11.2 March 15, 2017, Special Closed Session Meeting.

Approved as submitted.

11.3 March 28, 2017, Regular Meeting.

Approved as submitted.

11.4 April 4, 2017, Regular Meeting.

Approved as submitted.

12. CONSENT ITEMS

12.1 RESOLUTION - EXTENSION OF PROCLAMATION OF LOCAL HOMELESS EMERGENCY

RECOMMENDATION: It is recommended by the Housing and Community Services Department that the Council, by resolution, approve an extension of Resolution No. 28839 which formally proclaimed a local homeless emergency within Santa Rosa.

A motion was made by Mayor Coursey, seconded by Council Member Rogers, to waive reading of the text and adopt Consent Item 12.1:

RESOLUTION NO. RES-2017-062 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA EXTENDING A PROCLAMATION OF LOCAL HOMELESS EMERGENCY (Government Code Sections 8630 et seq.)

The motion carried by the following vote:

Yes: 5 - Mayor Coursey, Council Member Combs, Council Member Rogers, Council Member Sawyer and Council Member Schwedhelm

Absent: 1 - Council Member Olivares

Recused: 1 - Vice Mayor Tibbetts

Approval of the Consent Agenda

A motion was made by Vice Mayor Tibbetts , seconded by Council Member Sawyer, to waive the reading of the text and adopt Consent Items 12.2 through 12.4. The motion carried by the following vote:

Yes: 6 - Mayor Coursey, Vice Mayor Tibbetts, Council Member Combs, Council Member Rogers, Council Member Sawyer and Council Member Schwedhelm

Absent: 1 - Council Member Olivares

12.2 ORDINANCE ADOPTION - ADOPTION OF AN ORDINANCE TO AMEND THE CITY OF SANTA ROSA'S CONTRACT WITH THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND REPEAL OF PRIOR ORDINANCE

RECOMMENDATION: This ordinance, introduced at the April 18, 2017, Regular Meeting by unanimous vote, amends the City of Santa Rosa's contract with the California Public Employees' Retirement System and repeals the prior Ordinance No. 4071.

This Consent - Ordinance was adopted.

ORDINANCE NO. ORD-2017-005 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE COUNCIL OF THE CITY OF SANTA ROSA AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

12.3 ORDINANCE ADOPTION - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE - RECLASSIFICATION OF PROPERTY LOCATED AT 368 YOLANDA AVENUE FROM CG (GENERAL COMMERCIAL) TO IL (LIGHT INDUSTRIAL) DISTRICT; APN 044-072-009 - FILE NUMBER REZ16-004

RECOMMENDATION: This ordinance, introduced at the April 18, 2017, Regular Meeting by a 6-0-1 vote (Mayor Coursey absent), reclassifies of property located at 368 Yolanda Avenue from CG (General Commercial) to IL (Light Industrial) District; APN 044-072-009 - File Number REZ16-004.

This Consent - Ordinance was adopted.

ORDINANCE NO. ORD-2017-006 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – RECLASSIFICATION OF PROPERTY LOCATED AT 368 YOLANDA AVENUE FROM CG (GENERAL COMMERCIAL) TO IL (LIGHT INDUSTRIAL) DISTRICT; APN 044-072-009 – FILE NUMBER REZ16-004

12.4

ORDINANCE ADOPTION - ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING SALARY AND OTHER COMPENSATION AND BENEFITS FOR THE CITY ATTORNEY

RECOMMENDATION: This ordinance, introduced at the April 18, 2017, Regular Meeting by a 6-0-1 vote (Mayor Coursey absent), establishes the salary and other compensation and benefits for the City Attorney.

This Consent - Ordinance was adopted.

ORDINANCE NO. ORD-2017-007 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING SALARY AND OTHER COMPENSATION AND BENEFITS FOR THE CITY ATTORNEY

13. PUBLIC COMMENT ON NON-AGENDA MATTERS

Duane DeWitt spoke regarding the need of affordable housing.

Adrienne Lauby spoke regarding the homeless cleanup efforts.

Eileen Bill requested that Council reconsider to contract with Recology.

Mikeal O'Toole spoke regarding the concerns of homelessness.

Public Hearing Item 15.1 was heard after Item 13 - Public Comment on Non-Agenda Matters.

14. REPORT ITEMS

14.1

REPORT - CITYBUS INTER-FUND LOAN FOR FISCAL YEAR 2017/18 BUDGET YEAR

BACKGROUND: Over the past several years CityBus has a reduction in federal and state funding and an ongoing loss in ridership. In response, the Transit Division initiated the

Reimagining CityBus process in 2015 to design a restructured system aimed at enhancing our strongest ridership corridors and attracting both new riders and lost riders. Reimagining CityBus involved extensive analysis of CityBus system performance, demographic and land use trends, and trip patterns within Santa Rosa. After a year and a half of analysis, extensive public outreach and a significant amount of input, the new CityBus system is ready to be introduced to the public. This is the first major restructuring of Santa Rosa CityBus in nearly 25 years and is essential to the continuation of CityBus' overall health. To continue this introduction CityBus will need to ensure its financial stability over the next year to both launch and monitor the new bus system in addition to making strategic system adjustments as necessary to produce results. Due to a projected deficit in FY 17/18, an interfund loan is required to guarantee CityBus staffing and service levels throughout the introductory period of the new bus system.

RECOMMENDATION: It is recommended by the Transportation and Public Works and Finance departments that the Council, by resolution, approve an interfund loan for up to \$900,000 from the General Fund to the Transit Division for the operational and capital needs of CityBus for Fiscal Year 17/18.

Presented by Beth Kranda, Deputy Director Transit.

PUBLIC COMMENT

Stan Gow spoke in support of the item.

Gerry LaLonde-Berg spoke in support of the item.

Robert Martinez spoke in support of the item and requested that free fare for students be considered.

Karym Sanchez spoke in support of the item and requested that free fare for students be considered.

Kerry Fugett spoke in support of the item.

Chris Grabel spoke in support of the item and requested that reduced fare

for students be considered.

A motion was made by Council Member Combs to waive reading of the text and adopt:

RESOLUTION NO. RES-2017-064 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AN INTERFUND LOAN FROM GENERAL FUND UNASSIGNED FUND BALANCE TO SANTA ROSA TRANSPORTATION AND PUBLIC WORKS DEPARTMENT FOR THE OPERATING AND CAPITAL NEEDS OF CITYBUS FOR FISCAL YEAR 2017/2018

The motion carried by the following vote:

Yes: 6 - Mayor Coursey, Vice Mayor Tibbetts, Council Member Combs, Council Member Rogers, Council Member Sawyer and Council Member Schwedhelm

Absent: 1 - Council Member Olivares

14.2

REPORT - URGENCY ORDINANCE TO IMPOSE TEMPORARY MORATORIUM ON THE OUTDOOR CULTIVATION OF CANNABIS FOR EITHER PERSONAL OR COMMERCIAL PURPOSES

BACKGROUND: In an urban setting, the outdoor cultivation of cannabis can create adverse impacts on surrounding neighbors, including odor, security risks and environmental hazards. State law allows local jurisdictions, at their discretion, to regulate, or prohibit entirely, the outdoor cultivation of cannabis, whether for personal use and/or commercial purposes.

Over the past year, the Council's Medical Cannabis Policy Subcommittee has been working with staff and with cannabis industry stakeholders to develop comprehensive policies to regulate medical cannabis businesses within the City limits. The Subcommittee has recognized the potential adverse impacts of outdoor cannabis cultivation and has recommended that the draft policy include a ban on all outdoor growing of cannabis. The draft policy is expected to be released for public review next month.

In the interim, state law and the City Code currently permit outdoor cannabis cultivation under limited circumstances.

To best protect the public peace, health and safety while the City completes the evaluation and public processing of the draft comprehensive policy, a moratorium on all outdoor cultivation of cannabis is proposed. The proposed moratorium will affect only the outdoor cultivation of cannabis. The proposed moratorium will not affect current state and local allowances for the personal use or possession of cannabis, personal or commercial cultivation of cannabis indoors or in greenhouses, or the manufacturing, distribution or dispensing of medical cannabis

The proposed moratorium is an urgency ordinance under Government Code section 65858 that would go into effect immediately upon enactment and last for an initial period of 45 days. If, after the initial period of 45 days, additional time is necessary for the issue to be studied and regulations finalized, Council may adopt a subsequent urgency ordinance to maintain the moratorium in effect for up to an additional 10 months and 15 days. Under the City Charter, five affirmative votes are necessary to adopt an urgency ordinance.

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council (1) adopt an urgency ordinance to impose a temporary moratorium on the outdoor cultivation of cannabis, for either personal or commercial purposes, to allow time for development of appropriate regulations, and (2) direct staff to return to the Council on May 23, 2017 to present, for Council's consideration, a written report describing the measures taken to alleviate the condition leading to the adoption of the urgency ordinance and to provide Council an opportunity to determine whether to extend the temporary moratorium on the outdoor cultivation of cannabis for an additional 10 months and 15 days to allow additional time for study and finalization of appropriate regulations.

Continued to the May 23, 2017 meeting.

PUBLIC COMMENT

Veronica spoke in opposition to the item.

POWERS AGREEMENT CREATING THE SANTA ROSA PLAIN GROUNDWATER SUSTAINABILITY AGENCY

BACKGROUND: The Santa Rosa Plain groundwater sub-basin covers an area of approximately 80,000 acres and the majority of the City of Santa Rosa overlies this sub-basin. The 2014 Sustainable Groundwater Management Act (SGMA) provides a framework for sustainable management of groundwater supplies by local agencies and requires local agencies with land use, water supply or water management authorities to form one or more Groundwater Sustainability Agencies (GSA) by mid-2017. In Sonoma County three groundwater basins, the Santa Rosa Plain, Petaluma Valley, and Sonoma Valley basins, are required to comply with SGMA.

In the Santa Rosa Plain sub-basin, staff of Santa Rosa Water along with staff from the other GSA-eligible entities within the sub-basin have been meeting since 2015 to discuss the development of a GSA for the sub-basin through a Joint Exercise of Powers Agreement. These GSA eligible entities include local municipalities, the Sonoma County Water Agency, Sonoma County and the Goldridge and Sonoma Resource Conservation Districts.

RECOMMENDATION: It is recommended by Santa Rosa Water that Council, by resolution, (1) approve the Joint Exercise of Powers Agreement (JPA) creating the Santa Rosa Plain Groundwater Sustainability Agency (GSA) to act as the single GSA for the Santa Rosa Plain sub-basin, (2) approve the City of Santa Rosa's membership in the Santa Rosa Plain GSA, and (3) delegate authority to the Mayor to appoint the Director and Alternate Director to the Santa Rosa Plain GSA Board of Directors, and delegate authority to the Director of Santa Rosa Water to appoint the Santa Rosa Plain GSA advisory committee member and alternate.

Presented by Jennifer Burke, Deputy Director, Water Department.

PUBLIC COMMENT

Stephen Fuller-Rowell spoke in support of adding rural water user groups to represent in the advisory committee.

Colby Accacian spoke regarding in support of technical expertise and more representation participating in the advisory board of well owners and small farmers.

Kerry Fugett spoke regarding the need of proper formation of involving stakeholders, technical advisory committee, and the importance of having public oversight.

A motion was made by Council Member Schwedhelm, seconded by Council Member Sawyer, to waive reading of the text and adopt:

RESOLUTION NO. RES-2017-065 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA (1) APPROVING THE JOINT EXERCISE OF POWERS AGREEMENT (JPA) CREATING THE SANTA ROSA PLAIN GROUNDWATER SUSTAINABILITY AGENCY (GSA) TO ACT AS THE SINGLE GROUNDWATER SUSTAINABILITY AGENCY FOR THE SANTA ROSA PLAIN BASIN, (2) APPROVING THE CITY OF SANTA ROSA'S MEMBERSHIP IN THE SANTA ROSA PLAIN GSA, AND (3) DELEGATING AUTHORITY TO THE MAYOR TO APPOINT THE DIRECTOR AND ALTERNATE DIRECTOR TO THE GSA BOARD OF DIRECTORS, AND DELEGATING AUTHORITY TO THE DIRECTOR OF SANTA ROSA WATER TO APPOINT THE ADVISORY COMMITTEE MEMBER AND ALTERNATE

The motion carried by the following vote:

Yes: 6 - Mayor Coursey, Vice Mayor Tibbetts, Council Member Combs, Council Member Rogers, Council Member Sawyer and Council Member Schwedhelm

Absent: 1 - Council Member Olivares

14.4

REPORT - APPROVAL OF PROFESSIONAL SERVICES AGREEMENT FOR WORKERS' COMPENSATION THIRD-PARTY ADMINISTRATION

BACKGROUND: The City entered into a contract with Redwood Empire Municipal Insurance Fund (REMIF) to provide workers' compensation administrative services on April 14, 1981. REMIF is a self-insured Joint Powers Authority (JPA) that self-administers claims for member agencies. In addition to self-administering members' claims, REMIF also provides third party administrator (TPA) claims administration services for

three non-member cities, including City of Santa Rosa. REMIF is paid claims administration fees by these non-members. REMIF is governed by a board of directors comprised of representatives from member agencies. As a non-member agency, the City of Santa Rosa does not have a presence on REMIF's board. The current agreement with REMIF will end June 30, 2017. Following the competitive selection process, the panel for the Request for Proposal (RFP) unanimously recommended LWP Claims Solutions, Inc. (LWP) to administer the City's self-insured workers' compensation program.

RECOMMENDATION: It is recommended by the Human Resources Department, Risk Management Division that the Council, by resolution, approve a professional services agreement with LWP Claims Solutions, Inc., Mill Valley, CA for third party administrator services for a period of three years, with an option for three additional one-year extensions, in an amount not to exceed \$1,145,320.00.

Presented by Dominique Kurihara, Risk Manager.

A motion was made by Council Member Sawyer, seconded by Council Member Combs, to waive reading of the text and adopt:

RESOLUTION NO. RES-2017-066 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING PROFESSIONAL SERVICES AGREEMENT FOR CLAIMS ADJUSTING SERVICES BETWEEN THE CITY OF SANTA ROSA AND LWP CLAIMS SOLUTIONS, INC

The motion carried by the following vote:

Yes: 4 - Mayor Coursey, Vice Mayor Tibbetts, Council Member Combs and Council Member Rogers

Absent: 3 - Council Member Olivares, Council Member Sawyer and Council Member Schwedhelm

14.5

REPORT - APPROVAL OF A SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH RENNE SLOAN HOLTZMAN SAKAI LLP FOR LABOR NEGOTIATIONS AND RELATED SERVICES AND APPROPRIATION OF FUNDS

BACKGROUND: On February 11, 2016, by Resolution 28881,

the City Council entered into a Professional Services Agreement with the law firm of Renne Sloan Holtzman Sakai LLP to provide labor relations services including legal advice and assistance as requested by the City in connection with all aspects of labor negotiations. The Agreement was amended on November 15, 2016 to increase the compensation by \$200,000 with a revised not-to-exceed amount of \$300,000.

RECOMMENDATION: It is recommended that the Council, by resolution, approve a Second Amendment to Professional Services Agreement with Renne Sloan Holtzman Sakai LLP, Public Law Group, to (1) increase the compensation for labor-related legal advice and assistance by an amount not to exceed \$100,000, for a total not-to-exceed amount of \$400,000 and (2) appropriate \$100,000 from the General Fund unassigned fund balance to cover the additional contract amount.

Presented by Rhonda McKinnon, Interim Human Resources Director.

A motion was made by Vice Mayor Tibbetts, seconded by Council Member Combs, to waive reading of the text and adopt:

RESOLUTION NO. RES-2017-067 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH RENNE SLOAN HOLTZMAN SAKAI LLP REGARDING LABOR NEGOTIATIONS AND RELATED SERVICES AND APPROPRIATION OF FUNDS

The motion carried by the following vote:

Yes: 4 - Mayor Coursey, Vice Mayor Tibbetts, Council Member Combs and Council Member Sawyer

Absent: 3 - Council Member Olivares, Council Member Rogers and Council Member Schwedhelm

14.6

REPORT - APPROVAL OF SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR INTERIM CITY ATTORNEY SERVICES WITH RENNE SLOAN HOLTZMAN SAKAI LLP AND APPROPRIATION OF FUNDS

BACKGROUND: On June 28, 2016, by Resolution 28813, the City Council entered into a Professional Services Agreement

("PSA") with the law firm of Renne Sloan Holtzman Sakai LLP ("RSHS") to provide interim city attorney services and conduct an assessment of the City Attorney's Office while the City conducted a recruitment for the permanent City Attorney position. The PSA set a not to exceed amount of \$200,000. The City Council appointed RSHS attorney Teresa Stricker to the office of Interim City Attorney effective July 1, 2016.

On September 27, 2016, by Resolution 28864, the City Council approved the First Amendment to the PSA to increase compensation to RSHS (i) by an amount not to exceed \$35,000 to pay for services rendered through the month of September 2016, and (ii) by an amount not to exceed \$75,000 per month commencing as of October 2016 for a total not to exceed amount of \$685,000. The completion date for services under the PSA is July 1, 2017.

After a nationwide recruitment process and candidate interviews, the City Council announced on March 28, 2017, that it had voted to appoint Sue Gallagher as the City Attorney. Ms. Gallagher will take over as City Attorney on May 8, 2017 and will simultaneously vacate her current position as Assistant City Attorney within the City Attorney's Office. A recruitment for that vacancy was opened on April 19, 2017. The City Attorney's Office does not anticipate that the Assistant position will be filled before the end of June 2017.

Although the completion date of the PSA is July 1, 2017, the total contract amount of \$685,000 is insufficient to provide for services for the entirety of that contract term. It is anticipated that the funds will be exhausted by late April 2017. The requested increase of \$85,000 will provide for (i) continuation of full time Interim City Attorney services to May 8, 2017 when Sue Gallagher will assume the position of City Attorney, and (ii) part time services through June 30, 2017 to allow for completion of specialized projects and to provide continuity of services as the City Attorney's Office recruits for a replacement Assistant City Attorney. The fiscal year 2016-17 adopted and amended budget does not include this additional contract amount requiring an appropriation from the General Fund unassigned fund balance in an amount of \$85,000.

RECOMMENDATION: It is recommended that the Council, by resolution, (i) approve the Second Amendment to Professional Services Agreement with Renne Sloan Holtzman Sakai LLP to increase the compensation under the original agreement in the amount of \$85,000 for a total contract amount of \$770,000 to provide resources for continued full time Interim City Attorney Services to May 8, 2017, and thereafter to allow for part-time services through June 30, 2017 to complete specialized projects and provide transition assistance under the direction of the new City Attorney and (2) appropriate \$85,000 from the General fund unassigned fund balance to cover the additional contract amount.

Presented by Rhonda McKinnon, Interim Human Resources Director.

A motion was made by Mayor Coursey, seconded by Council Member Sawyer, to waive reading of the text and adopt:

RESOLUTION NO. RES-2017-068 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH RENNE SLOAN HOLTZMAN SAKAI LLP AND APPROPRIATION OF FUNDS

The motion carried by the following vote:

Yes: 6 - Mayor Coursey, Vice Mayor Tibbetts, Council Member Combs, Council Member Rogers, Council Member Sawyer and Council Member Schwedhelm

Absent: 1 - Council Member Olivares

15. PUBLIC HEARINGS

15.1

PUBLIC HEARING - AUTHORIZING SUBMISSION OF THE FISCAL YEAR 2017/2018 ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND APPROVAL OF FUNDING RECOMMENDATIONS FOR PUBLIC SERVICES, FAIR HOUSING, AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)

BACKGROUND: The proposed action will authorize submission of the Fiscal Year 2017/2018 Action Plan to the United States Department of Housing and Urban Development (HUD) and

approve funding recommendations for public services, fair housing, and Housing Opportunities for Persons with AIDS (HOPWA). Submission of the Plan is required by HUD so that the City can continue to receive federal housing and community development funds in the form of Community Development Block Grant (CDBG), HOME Investments Partnership Act (HOME), and HOPWA.

RECOMMENDATION: It is recommended by the Housing & Community Services Department that the Council, by resolution, authorize submission of the Fiscal Year 2017/2018 Action Plan to the U.S. Department of Housing and Urban Development; approve the Fiscal Year 2017/2018 funding recommendations for public services, fair housing and Housing Opportunities for Persons with AIDS (HOPWA) funds in the amount of \$619,908; and authorize the City Manager to execute the annual federal funding agreements with HUD and any additional forms or documents required by HUD to implement the Fiscal Year 2017/2018 Action Plan for its term.

Presented by Nancy Manchester, Program Specialist.

Mayor Coursey opened the public hearing at 6:47 p.m.

Seeing no one wishing to speak, Mayor Coursey closed the public hearing at 6:47 p.m.

A motion was made by Council Member Combs, seconded by Vice Mayor Tibbetts, to waive reading of the text and adopt:

RESOLUTION NO. RES-2017-063 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING SUBMISSION OF THE FISCAL YEAR 2017/2018 ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND APPROVING FUNDING RECOMMENDATIONS FOR PUBLIC SERVICES, FAIR HOUSING, AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)

The motion carried by the following vote:

Yes: 6 - Mayor Coursey, Vice Mayor Tibbetts, Council Member Combs, Council Member Rogers, Council Member Sawyer and Council Member Schwedhelm

Absent: 1 - Council Member Olivares

16. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)

- 16.1** LETTER OF SUPPORT FOR AB 1654 (RUBIO): URBAN WATER MANAGEMENT PLANNING AND AB 968 (RUBIO): LONG TERM WATER USE EFFICIENCY - Provided for information.

17. PUBLIC COMMENTS ON NON-AGENDA MATTERS - NONE.

18. ANNOUNCEMENT OF CONTINUED CLOSED SESSION ITEMS, RECESS TO CLOSED SESSION IN THE MAYOR'S CONFERENCE ROOM, RECONVENE TO OPEN SESSION, AND ANNOUNCEMENTS [IF NEEDED]

19. ADJOURNMENT OF MEETING

Hearing no further business, Mayor Coursey adjourned the meeting at 8:51 p.m. The next regularly scheduled meeting will take place on May 9, 2017.

Approved on:

Daisy Gomez
City Clerk