

**SANTA ROSA CITY COUNCIL MINUTES
REGULAR MEETING
CITY HALL, 100 SANTA ROSA AVENUE
JULY 9, 2013**

1. CALL TO ORDER AND ROLL CALL

Mayor Bartley called the meeting to order at 2:48 p.m. in the Mayor's Conference Room. Council Members present: Mayor Bartley, Vice Mayor Carlstrom, Council Members Combs, Olivares, Ours, and Swinth. Council Member Wysocky arrived at 2:54 p.m.

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

City Attorney Fowler announced the Council will adjourn to closed session regarding Closed Session Items 2.3 and 2.4 as listed on the Agenda.

2.1 PUBLIC COMMENT ON CLOSED SESSION ITEMS – NONE

2.2 RECESS TO CLOSED SESSION IN MAYOR'S CONFERENCE ROOM

Mayor Bartley recessed the meeting to closed session in the Mayor's Conference Room.

2.3 CONFERENCE WITH LABOR NEGOTIATORS (GOVERNMENT CODE SECTION 54957.6)

Agency Designated Representatives: Fran Elm, Human Resources Director, Chris Sliz, Employee Relations Manager, and Carol Stevens of 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).

2.4 CONFERENCE WITH LABOR NEGOTIATORS (GOVERNMENT CODE SECTION 54957.6)

Agency Designated Representatives: Kathleen Millison, City Manager and Jennifer Phillips, Assistant City Manager. Unrepresented Executive Management, Middle Management, and Confidential Employees (Employee Units 10, 11 and 12).

2.5 RECESS CLOSED SESSIONS AND RECONVENE TO OPEN SESSION IN THE COUNCIL CHAMBER

Mayor Bartley recessed closed session at 3:45 p.m. and convened the meeting to open session in the Council Chamber at 4:01 p.m.

3. STUDY SESSION – NONE

4. ANNOUNCEMENT OF ROLL CALL

City Clerk Griffin announced all Council Members were present.

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

City Attorney Fowler reported that the Council met in Closed Session regarding Items 2.3 and 2.4 and there were no actions to report.

6. PROCLAMATIONS/PRESENTATIONS

6.2 INTRODUCTION OF NEW RECREATION AND PARKS DIRECTOR – NANETTE SMEJKAL

City Manager Millison introduced the new Recreation and Parks Director, Nanette Smejkal, who made brief remarks.

6.1 PROCLAMATION - PARKS MAKE LIFE BETTER

Council Member Combs read the proclamation and presented it to Nanette Smejkal, Director of Recreation and Parks. Adriane Mertens, Marketing and Outreach Coordinator, highlighted Recreation and Parks activities offered during the month of July.

PUBLIC COMMENT

Duane DeWitt spoke in favor of conducting outreach to increase volunteerism in City parks. Antonio Peluso invited Council members to participate in the “Make a Difference Day” community cleanup at Roseland Creek on October 26.

7. STAFF BRIEFINGS

7.1 QUARTERLY REPORT ON CAPITAL IMPROVEMENT PROGRAM PROJECTS

Colleen Ferguson, Deputy Director Engineering Services, provided an update on Capital Improvement Program (CIP) projects. The briefing included project updates, fund transfers and major expenditures, recently completed projects and projects under construction. This staff briefing also provided an update on CIP information that is available to the community through the City’s web site.

PUBLIC COMMENT

Peter Tscherneff questioned whether the City is using water bill revenues toward Capital Improvement Program projects.

8. APPROVAL OF MINUTES

The Council approved the June 4, 2013, Regular Meeting Minutes as submitted.

9. MAYOR'S/COUNCILMEMBERS' REPORTS

9.1 STATEMENTS OF ABSTENTION BY COUNCILMEMBERS

No statements of abstention were made.

9.2 MAYOR /COUNCILMEMBERS' REPORTS

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

Vice Mayor Carlstrom announced the Mayor’s appointment of Cat Cvengros as Chair of the Board of Community Services.

9.3 REPORTS BY MAYOR/COUNCILMEMBERS REGARDING VARIOUS AGENCY MEETINGS ATTENDED AND POSSIBLE COUNCIL DIRECTION TO ITS REPRESENTATIVES ON PENDING ISSUES BEFORE SUCH BOARDS (IF NEEDED)

- a) Sonoma County Transportation Authority/Regional Climate Protection Authority (SCTA/RCPA) – Vice Mayor Carlstrom reported on the July 8th meeting.
- b) Sonoma County Water Agency (SCWA) – Water Advisory Committee – None.

- c) Association of Bay Area Governments (ABAG) – None.
- d) Sonoma County Agricultural Preservation and Open Space District Advisory Committee – None.

9.4 DESIGNATION OF VOTING DELEGATE/ALTERNATE TO LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

In order to vote at the Annual Business Meeting at the League of California Cities 2013 Annual Conference, each member City must designate a voting delegate and up to two alternate delegates. This year's conference will be held in Sacramento from Wednesday, September 18 through Friday, September 20. The delegates must be designated by the City Council, and the voting delegate and alternates must be registered to attend the conference.

MOVED by Council Member Ours, seconded by Vice Mayor Carlstrom and **CARRIED** unanimously to designate Mayor Bartley as the voting delegate and Council Members Olivares and Swinth as the alternate delegates at the Annual Business Meeting at the League of California Cities 2013 Annual Conference.

10. CITY MANAGER'S/CITY ATTORNEY'S REPORTS – NONE.

11. CONSENT ITEMS

PUBLIC COMMENT

Duane DeWitt, speaking on Items 11.1 and 11.2, encouraged outreach to other youth for participation in these types of projects and in Roseland projects.

City Manager Millison responded to questions regarding Item 11.4.

MOVED by Vice Mayor Carlstrom, seconded by Council Member Olivares and **CARRIED** unanimously to waive reading of the text and adopt Items 11.1 through 11.4 as follows:

11.1 MOTION – APPROVAL OF AGREEMENT WITH COUNTY OF SONOMA DEPARTMENT OF HUMAN SERVICES FOR SUMMER YOUTH ECOLOGY CORPS

MOTION TO 1) APPROVE THE FUNDING AGREEMENT WITH THE COUNTY OF SONOMA HUMAN SERVICES DEPARTMENT FOR THE FISCAL YEAR 2013-14 SUMMER YOUTH ECOLOGY CORPS PROGRAM FOR \$8,000; 2) AUTHORIZE THE CITY MANAGER, OR DESIGNEE, TO ACT AS THE SIGNING AUTHORITY; AND 3) AUTHORIZE THE CHIEF FINANCIAL OFFICER TO INCREASE APPROPRIATIONS IN MEASURE O KEY GL 350610.

11.2 MOTION – AGREEMENT WITH INDIVIDUALS NOW dba SOCIAL ADVOCATES FOR YOUTH TO PROVIDE SUMMER WORKSITES IN CITY PARKS

MOTION TO APPROVE THE AGREEMENT WITH INDIVIDUALS NOW dba SOCIAL ADVOCATES FOR YOUTH, IN SUBSTANTIALLY THE SAME FORM AS ATTACHMENT A, SUBJECT TO APPROVAL AS TO FORM BY THE CITY ATTORNEY, AND AUTHORIZE THE DIRECTOR OF RECREATION & PARKS, OR DESIGNEE, TO EXECUTE THE AGREEMENT.

11.3 RESOLUTION – PURCHASE OF INSURANCE IN LIEU OF BONDS

RESOLUTION NO. 28306 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING PURCHASE OF INSURANCE POLICY OR MASTER BOND IN LIEU OF PURCHASING INDIVIDUAL OFFICIAL BONDS

11.4 RESOLUTION – ACCEPTANCE OF THE 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

RESOLUTION NO. 28307 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE ACCEPTANCE OF FUNDS RECEIVED FROM THE 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM

12. REPORT ITEMS

12.1 REPORT – ORDINANCE INTRODUCTION - USE OF CITY SEAL, LOGO AND OTHER OFFICIAL INSIGNIA

BACKGROUND: The current official Seal of the City of Santa Rosa was adopted by Resolution No. 2910 on February 1, 1949. Charter Section 20 designates the City Clerk as the custodian of the City Seal, however, there are no policies in place to govern the usage of other official City insignia.

The City is also engaged in ongoing marketing efforts to brand the City which uses logos created by or on behalf of the City. This ordinance would allow the City to regulate the use of such logos and enforce penalties for their unauthorized use.

RECOMMENDATION: It is recommended by the City Manager’s Office that the Council introduce an ordinance adding Chapter 1-04, “Custody and Use of City Seal and Other Official Insignia,” to the Santa Rosa City Code.

Liz Licursi, Administrative Technician, provided the staff report and responded to questions from Council Members. City Attorney Fowler also responded to questions from Council Members.

PUBLIC COMMENT

Richard Canini spoke regarding the ability to freely use the insignia of the U.S. Marine Corps. and expressed concerns regarding unnecessary restrictions.

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

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADDING CHAPTER 1-04 TO THE SANTA ROSA CITY CODE ENTITLED “CUSTODY AND USE OF CITY SEAL AND OTHER OFFICIAL CITY INSIGNIA”

Following Council discussion, the motion **CARRIED** 5-2 (Council Members Combs and Wysocky voting no).

12.2 REPORT – CONTRACT AWARD – eCIVIS, INC. GRANT MANAGEMENT SOFTWARE

BACKGROUND: On October 30, 2012 the Request for Proposals (RFP) for City Wide Grant Management Software was issued. An evaluation panel comprised of seven staff members from departments throughout the City reviewed and discussed the proposals in December 2012. The proposals were scored on three main sections and based on the criteria identified in the RFP.

The evaluation panel is recommending the purchase of all three modules offered by eCivis, along with the purchase of the financial integration system. The three web-based modules include Grants Tracking, Research and Knowledge Base all of which all fully integrated with each other.

RECOMMENDATION: It is recommended by the City Manager's Office, Recreation & Parks, Fire, Police, Information Technology, Transportation and Public Works, Utilities and Finance, that the Council, by resolution, authorize the appropriation of funds in the amount of \$126,940 and approve a three-year agreement for grant management software to eCivis, Inc., with two one-year options for renewal.

Jennifer Tuell, Research and Program Coordinator, provided the staff report and responded to questions from Council Members. City Manager Millison also responded to questions from Council Members.

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

RESOLUTION NO. 28308 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROPRIATING FUNDS AND APPROVING A THREE-YEAR AGREEMENT FOR GRANT MANAGEMENT SOFTWARE TO eCIVIS, INC., PASADENA, CALIFORNIA

Following Council discussion, the motion **CARRIED** unanimously.

12.3 REPORT – PARTICIPATION AGREEMENTS FOR COUNTY CLIMATE ACTION PLAN

BACKGROUND: Sonoma County has received a grant for development of a County wide climate action plan to reduce greenhouse gas emissions. While Santa Rosa adopted a climate action plan in June 2012, Santa Rosa's participation will allow staff to share experience from that effort and to collaborate in the County process. Two participatory agreements must be executed: 1) Participating Agencies Memorandum of Agreement Regarding the Greenhouse Gas Implementation Program, to be signed by representatives of all municipalities in Sonoma County; and 2) Memorandum of Agreement Regarding the Greenhouse Gas Implementation Program, to be signed by representatives of the City of Santa Rosa and Sonoma County. Santa Rosa will be reimbursed \$35,000 for participation in this program.

RECOMMENDATION: It is recommended by the Department of Community Development that the Council, by motion, authorize the City Manager to execute agreements for participation in Climate Action 2020, the County wide climate action planning effort, and any subsequent amendments.

Lisa Kranz, Supervising Planner, provided the staff report and responded to questions from Council Members.

PUBLIC COMMENT

Peter Tscherneff spoke regarding factory farms and slaughterhouses as causes of pollution.

MOVED by Council Member Olivares, seconded by Council Member Combs, and **CARRIED** unanimously to authorize the City Manager to execute agreements for participation in Climate Action 2020, the County-wide climate action planning effort, and any subsequent amendments.

12.4 REPORT – ORDINANCE INTRODUCTION - VULNERABLE USER PROTECTION

BACKGROUND: The Sonoma County Bicycle Coalition has prepared a draft ordinance related to the protection of bicyclists and pedestrians referred to as "vulnerable users" which it is requesting local jurisdictions to adopt. Staff has reviewed the draft ordinance and has proposed some modifications to the original draft ordinance presented by the Bicycle Coalition.

To date, the County of Sonoma and the City of Sebastopol have reviewed and adopted some form of a Vulnerable User Protection ordinance. The Town of Windsor and the City of Healdsburg decided not to pursue the ordinance.

At the April 9, 2013, meeting, staff provided a Study Session on the Vulnerable User ordinance.

RECOMMENDATION: It is recommended by the Police Department that the Council introduce an ordinance adding Chapter 10-42, "Vulnerable User Protection," to the Santa Rosa City Code.

Paul Henry, Police Lieutenant, provided the staff report.

PUBLIC COMMENT

Gary Helfrich spoke in support of the ordinance.

Barbara Moulton spoke in support of the ordinance.

Peter Tscherneff spoke in support of the ordinance and expressed concerns regarding the high rate of stolen bicycles.

MOVED by Council Member Wysocky and seconded by Vice Mayor Carlstrom to waive reading of the text and introduce:

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADDING CHAPTER 10-42 TO THE SANTA ROSA CITY CODE ENTITLED "VULNERABLE USER PROTECTION"

Following Council discussion, the motion **CARRIED** unanimously.

Mayor Bartley recessed the meeting at 5:19 p.m. and reconvened the meeting at 5:31 p.m. All Council Members were present.

12.5 REPORT – SONOMA CLEAN POWER – COMMUNITY CHOICE AGGREGATION

BACKGROUND: In 2002, the State Legislature approved AB 117 which authorized cities and counties to purchase and/or generate electricity and related energy services for residents and businesses within their jurisdictions through Community Choice Aggregation (CCA). The CCA is structured as an opt-out program. Once a community approves participation in the CCA, customers are automatically enrolled in the program. Customers are given an opportunity to opt-out, or leave the program and stay with the investor owned utility, in this case PG&E, for energy services. Several notices are required to be given to customers during the initial enrollment period to determine if they wish to remain with the CCA or if they wish to return to PG&E for energy services. The billing and all other services now provided by PG&E remain and only the energy services portion of the billing would change. The CCA program known as Sonoma Clean Power (SCP) is intended to be funded primarily by net earnings derived from the difference between wholesale and retail electrical energy purchased by customers of SCP, however, other sources of revenue may be derived from grants, service fees, or long-term financing. On December 4, 2012, actions were taken to form the Sonoma Clean Power Joint Powers Authority and cities throughout Sonoma County have since been invited to become Participants of the SCP program.

RECOMMENDATION: It is recommended by the City Manager's Office that the Council consider adoption of a resolution requesting that the Sonoma Clean Power Authority act as Community Choice Aggregator on behalf of the City of Santa Rosa and Implement the Sonoma Clean Power Community Choice Aggregation Program within the City of Santa Rosa, subject to certain changes being made in writing to the Joint Powers Agreement and

Draft Implementation Plan as specified in the resolution. The resolution shall not become effective if the conditions set forth in the resolution are not complied with.

Kathy Millison, City Manager, provided the staff report and responded to questions from Council Members. Caroline Fowler, City Attorney also responded to questions from Council Members.

Mayor Bartley reported on his meeting with Geof Syphers, Interim Chief Executive Officer, regarding the City's requested modifications.

Mr. Syphers provided information regarding the necessary next steps, including introduction of an ordinance by the City Council on July 16, consideration of the City's conditions by the Sonoma Clean Power Authority Board on July 25, and adoption of the ordinance by the City Council on July 30.

City Attorney Fowler reviewed the conditions contained in the draft resolution.

Mr. Syphers and Steven Shupe, Deputy County Counsel, responded to questions from Council Members.

Council discussion ensued regarding proposed changes to the draft resolution.

PUBLIC COMMENT

Duane DeWitt spoke regarding ratepayer protections and participation and requested monthly meetings of the Board.

Max Bridges spoke in support of the cooperative effort and participation in SCP.

Elaine Booth spoke regarding the consideration given to the issues and in support of participation in SCP.

Bob Williamson spoke in support of the process followed and expressed concerns regarding the provisions for dedicated funding source, prevailing water requirements and project labor agreements in Section H of the resolution.

Tom Scott, Oliver's Markets, spoke in support of participation in SCP.

David Hoffman spoke in support of including a commitment to refrain from purchasing nuclear power and to require living wage provisions in the JPA recitals.

Peter Tscherneff spoke regarding corruption and in support of boycotting PG&E.

Dr. Carla Grady spoke in support of participation SCP.

Dawn Weisz, Executive Officer of the Marin Energy Authority, spoke regarding the success of their CCA program.

Sky Nelson spoke in support of participation in SCP.

Ken Wells spoke in support of participation in SCP.

Andrew Smith expressed concerns regarding the speed of the process and encouraged the Council to wait a year before participating.

Linda Hemenway, Sonoma County Organizing for Action, spoke in support of participation in SCP and submitted a petition in support signed by Organizing for Action members.

Jessica Jones spoke in support of participation in SCP.

Ivan Meyreles spoke in support of participation in SCP.

Cissy Monroe spoke in support of participation in SCP.

Nica Poznonovich, Community Market, spoke in support of participation in SCP.

David Keller, Conservation Action, spoke in support of participation in SCP with the negotiated conditions.

Mayor Bartley recessed the meeting at 7:00 p.m. and reconvened the meeting at 7:23 p.m. All Council Members were present.

MOVED by Council Member Ours and seconded by Council Member Wysocky to waive reading of the text and adopt the draft resolution:

RESOLUTION ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA REQUESTING THAT THE SONOMA CLEAN POWER AUTHORITY ACT AS COMMUNITY CHOICE AGGREGATOR ON BEHALF OF THE CITY AND IMPLEMENT THE SONOMA CLEAN POWER COMMUNITY CHOICE AGGREGATION PROGRAM WITHIN THE CITY OF SANTA ROSA

The maker and seconder of the motion accepted the following friendly amendments to the draft resolution to be brought back to Council for final adoption on the July 16 agenda:

- Amend Section A to provide for the appointment of alternate directors.
- Amend Section B to provide that an amendment of the Joint Powers Agreement shall require a 66% vote of the directors and the weighted vote of members and participants, the exercise of eminent domain shall require a 75% vote of the directors, and any requirement that a participant make contributions or pledge assets as a condition of continued participation shall require a 75% vote of the directors plus the approval of each governing board.
- Amend Section F to provide that the Board shall be required to approve any contract between the Authority and one of its members or participants if the total amount of the contract(s) exceeds \$50,000 in any fiscal year.
- Remove the paragraph designating representatives and alternates.

The motion as amended **CARRIED** unanimously.

MOVED by Council Member Combs and seconded by Council Member Wysocky to amend the proposed JPA Recital D to include the following: “intention to not use nuclear power for base load power purchases.” Following Council discussion, the motion **FAILED** 3-4 (Mayor Bartley, Council Members Olivares, Ours and Swinth voting no.)

MOVED by Council Member Wysocky and seconded by Vice Mayor Carlstrom, to amend Recital C, subsection d, to add “that pay a prevailing wage with a preference that such jobs be subject to PLAs.” Following Council discussion, the motion **FAILED** 3-4 (Mayor Bartley, Council Members Olivares, Ours, and Swinth voting no.)

13. PUBLIC HEARINGS – NONE

14. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)

14.1 QUARTERLY CAPITAL IMPROVEMENT PROGRAM PROJECTS UPDATE: JANUARY - MARCH 2013 – For information only.

15. PUBLIC COMMENTS ON NON-AGENDA MATTERS

Duane DeWitt spoke in favor of continuing to rent the City-owned houses at market rents. Peter Tscherneff spoke regarding various topics.

16. ANNOUNCEMENT OF CONTINUED CLOSED SESSION ITEM(S), RECESS TO CLOSED SESSION(S) 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 8:11 p.m. in honor of the nineteen Prescott firefighters who lost their lives in Arizona. The next regularly scheduled meeting will take place on July 16, 2013, at a time to be set by the Mayor.

Approved on:

Terri A. Griffin
City Clerk