

**SANTA ROSA CITY COUNCIL MINUTES
REGULAR MEETING
CITY HALL, 100 SANTA ROSA AVENUE
JULY 16, 2013**

1. CALL TO ORDER AND ROLL CALL

Mayor Bartley called the meeting to order at 2:30 p.m. in the Mayor's Conference Room. Council Members present: Mayor Bartley, Council Members Combs, Olivares, Ours, Swinth, and Wysocky. Council Member Wysocky arrived at 2:40 p.m. Vice Mayor Carlstrom was absent.

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

City Attorney Fowler announced that the Council will meet in Closed Session regarding the Closed Session items 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 2:55 p.m. and convened the meeting to open session in the Council Chamber at 3:00 p.m.

3. STUDY SESSION

3.1 PG&E MANUFACTURED GAS PLANT FIRST STREET SITE REMEDIATION UPDATE

Fire Department Staff, PG&E and North Coast Water Quality Control Board representatives reviewed the PG&E Manufactured Gas Plant site history, provided an update on remediation activities, discussed future remediation plans and answered questions from the Council.

4. ANNOUNCEMENT OF ROLL CALL

Deputy City Clerk Williams announced that all Council Members were present with the exception of Vice Mayor Carlstrom.

5. REPORT, IF ANY, ON STUDY AND CLOSED SESSIONS – None.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PROCLAMATION – INDEPENDENT BUSINESSES MONTH

Council Member Ours read the proclamation and presented it to Terry Garrett from Sonoma County Go Local Cooperative.

6.2 PROCLAMATION - CALIFORNIA WELCOME CENTER SANTA ROSA DAY

Council Member Swinth read the proclamation and presented it to Brad Calkins, Executive Director, Santa Rosa Convention & Visitors Bureau.

7. STAFF BRIEFINGS

7.1 SONOMA COUNTY ANIMAL SERVICES FRAMEWORK FOR COLLECTIVE IMPACT

Jennifer Phillips, Assistant City Manager, provided an overview of the Sonoma County Animal Services Framework for Collective Impact which includes guiding principles and four countywide goals that support the vision of Sonoma County being a safe and caring community that protects the health and well-being of all animals and people; a place where animals and people are valued, cared for, and recognized as vital parts of a healthy community.

8. APPROVAL OF MINUTES - JUNE 11, 2013, SPECIAL MEETING AND STUDY SESSION, JUNE 18-20, 2013, REGULAR AND REGULAR ADJOURNED MEETINGS, AND JUNE 25, 2013, REGULAR MEETING

The minutes for the June 11, 2013 Special Meeting and Study Session; the June 18-20, 2013, Regular and Regular Adjourned Meetings; and the June 25, 2013 Regular Meeting were approved 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.

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 (SCTA/RCPA) - None.
- 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.
- e) Other – None.

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

11. CONSENT ITEMS

PUBLIC COMMENT

Peter Tscherneff spoke on items 11.1, 11.3, and 11.4.

Council Member Combs pulled Item 11.6 for discussion.

MOVED by Council Member Ours, seconded by Council Member Olivares and **CARRIED** 6-1 (Vice Mayor Carlstrom absent) to waive reading of the text and adopt Items 11.1 through 11.5 as follows:

11.1 MOTION – CONTRACT EXTENSION – RENTAL OF PHOTO COPIERS

MOTION TO APPROVE AMENDMENT NO. 1 TO CONTRACT 08-8816 FOR A CONTRACT EXTENSION THROUGH OCTOBER 1, 2013 IN THE AMOUNT OF \$100,000, AND APPROPRIATE \$200,000 ADDITIONAL FUNDS FOR RENTAL OF PHOTO COPIERS, WITH NO INCREASE IN CONTRACT UNIT PRICES, WITH SHARP ELECTRONICS CORPORATION, MAHWAH, NJ, IN THE TOTAL AMOUNT OF \$300,000. FUNDS FOR THIS EXPENDITURE WILL BE ALLOCATED IN THE FISCAL YEAR 2013-14 BUDGET OF VARIOUS DEPARTMENT CHARGE KEYS.

11.2 RESOLUTION – SUMMARY VACATION OF PUBLIC SERVICE EASEMENTS AT 3200 MENDOCINO AVENUE

RESOLUTION NO. 28309 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA SUMMARILY VACATING PUBLIC SERVICE EASEMENTS AT 3200 MENDOCINO AVENUE

11.3 RESOLUTION – DONATION – SUNFLOWER COMMUNITY GARDEN SUPPLIES

RESOLUTION NO. 28310 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE DONATION OF GARDEN SUPPLIES TO INDIVIDUALS NOW DOING BUSINESS AS SOCIAL ADVOCATES FOR YOUTH

11.4 ORDINANCE ADOPTION – AMENDMENT OF SANTA ROSA CITY CODE SECTION 7-12.020, AND APPROVAL OF INCREASE OF DOG LICENSE FEES AND EXPIRED LICENSE PENALTY

ORDINANCE NO. 4006 ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING SECTION 7-12.020, LICENSE – FEE IMPOSED OF CHAPTER 7-12, DOGS, OF THE SANTA ROSA CITY CODE

11.5 ORDINANCE ADOPTION – VULNERABLE USER PROTECTION

ORDINANCE NO. 4007 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”

MOVED by Council Member Ours, seconded by Council Member Olivares and **CARRIED** 4-2-1 (Council Members Combs and Wysocky voting no; Vice Mayor Carlstrom absent.) to waive reading of the text and adopt Item 11.6:

11.6 ORDINANCE ADOPTION – USE OF CITY SEAL, LOGO AND OTHER OFFICIAL INSIGNIA

ORDINANCE NO. 4008 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”

12. REPORT ITEMS

12.1 REPORT – PROPOSED PARK NAMING RECOMMENDATION FINALI NEIGHBORHOOD PARK

BACKGROUND: The Board of Community Services has solicited names for the Neighborhood Park site located at Jennings and Range Avenues. On May 22, 2013, the Board of Community Services adopted its recommendation to name the new park Finali Neighborhood Park, in honor of Fiorino Richard Finali, whose family lived and farmed the land where the park is located for four generations.

RECOMMENDATION: It is recommended by the Board of Community Services and the Recreation and Parks Department that the Council, by resolution, name the park site located at Jennings Avenue and Range Avenue, Finali Neighborhood Park.

Jennifer Phillips, Assistant City Manager, provided the staff report and responded to questions from Council Members.

Tina Finali spoke of the dedication her family had to the property and thanked the Council for the honor.

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

RESOLUTION NO. 28311 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA NAMING THE FINALI NEIGHBORHOOD PARK

Council Member Combs suggested a friendly amendment to the resolution language to include the mother's name, Susan Finali. The friendly amendment was accepted by the maker and seconder of the motion.

Following Council discussion, the motion **CARRIED** carried 6-0-1 (Vice Mayor Carlstrom absent) to adopt as amended.

Mayor Bartley reordered the agenda to take item 13.1 before Item 12.2.

13. PUBLIC HEARINGS

13.1 PUBLIC HEARING – ANNUAL WEED ABATEMENT PROGRAM

BACKGROUND: The Santa Rosa City Code requires a public hearing to hear objections to the cost of weeds and/or rubbish abatement. The City Council grants or overrules such protests. The City Council, by resolution, may confirm the itemized report of the costs of abatement. The City Council authorizes the Santa Rosa Fire Department, County Auditor and Tax Collector to enact a special assessment as a lien upon respective parcels subject to the weed and rubbish abatement program.

RECOMMENDATION: It is recommended by the Fire Department that the Council, by resolution, ratify and confirm the itemized report of the Fire Department of the cost of weed and rubbish abatement as provided for in Sections 9-08.020, 9-08-080, and 9-08.090, Chapter 9-08 of the Santa Rosa City Code.

Toby Rey, Fire Inspector, provided the staff report.

PUBLIC HEARING

Mayor Bartley opened the public hearing.

Peter Tscherneff spoke in support of the Fire Department and cacti as living fences.

Seeing no one else wishing to speak, Mayor Bartley closed the public hearing.

MOVED by Council Member Olivares, seconded by Council Member Swinth, and **CARRIED** 6-0-1 (Vice Mayor Carlstrom absent) to waive reading of the text and adopt:

RESOLUTION NO. 28312 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CONFIRMING THE ITEMIZED REPORT OF THE SANTA ROSA FIRE DEPARTMENT OF THE COST OF REMOVING WEEDS AND/OR RUBBISH FROM, UPON, OR IN FRONT OF CERTAIN LOTS OR PARCELS OF LAND WITHIN THE CITY OF SANTA ROSA

12.2 REPORT – REAUTHORIZATION TO ISSUE 2013 PENSION OBLIGATION REFUNDING BONDS (FEDERALLY TAXABLE) AND TO REFUND OUTSTANDING PENSION OBLIGATION REFUNDING BONDS, SERIES 2003A AND 2003B

BACKGROUND: On May 21, 2013, the Council approved Resolution No. 28283, which authorized the refunding of outstanding 2003 Pension Obligation Refunding Bonds, Series A (Variable Rate) and Series B (Fixed Rate), and approved the issuance of 2013 Pension Obligation Refunding Bonds (Federally Taxable) in a principal amount of not-to-exceed \$35 million. The refinancing includes \$4 million principal pay down of the Pension Obligation Bonds (POBs) consisting of one-time Property Tax Administration Fee settlement, Enterprise, Internal Services and Debt Services Funds.

The 2003 POBs Series A (Variable Rate) require an Irrevocable Letter of Credit (LOC) issued by a bank as security for investors. Complying with the LOC requirement has become a challenge due to financial uncertainty associated with California governments. The proposed refinancing would reduce the City exposure to the risks of the availability of LOC in the future, rising LOC costs due to fewer LOC banks on the market and rising short term rates.

The average interest rate on the outstanding 2003 POBs Series B (Fixed Rate) is 5.18%. Based on the market conditions in mid-May 2013, the average interest rate was estimated at 3.40%.

Since the Council approved the refinancing of the Pension Obligations Bonds on May 21, 2013, market conditions have changed and interest rates have risen. The Treasury market is exhibiting volatility as it reacts to recently released economic data. Treasury yields have faced upward pressure as market participants consider a potential shift to a higher interest rate environment. Based on the current market conditions, the projected average interest rate would exceed the 4% limit approved by Resolution No. 28283.

A detailed explanation of the current market conditions will be provided by staff, financial advisor and bond underwriter.

RECOMMENDATION: It is recommended by the Finance Department that the Council, by resolution, (1) reauthorize the refunding of outstanding 2003 Pension Obligation Refunding Bonds, Series A (Variable Rate) and Series B (Fixed Rate); (2) reauthorize an appropriation of City funds to the prepayment of the 2003 Pension Obligation Bonds in the amount of \$4 million from the one-time Property Tax Administration Fee settlement, Enterprise, Internal Services and Debt Services Funds; (3) reauthorize the issuance of 2013 Pension Obligation Refunding Bonds (Federally Taxable) in a principal amount of not-to-exceed \$35 million; (4) reauthorize a Preliminary Official Statement; and (5) reapprove and reauthorize the execution of related documents by the City Manager, Chief Financial Officer or their respective delegates and actions with respect thereto.

Lawrence Chiu, Chief Financial Officer, provided the staff report and responded to questions from Council Members.

PUBLIC COMMENT

Peter Tscherneff spoke regarding various topics.

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

RESOLUTION NO. 28313 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA REAUTHORIZING THE USE OF ONE-TIME PROPERTY TAX ADMINISTRATION FEE SETTLEMENT, ENTERPRISE, INTERNAL SERVICES AND DEBT SERVICES FUNDS TO THE PREPAYMENT OF THE CITY'S 2003 PENSION OBLIGATION REFUNDING BONDS, REAUTHORIZING THE ISSUANCE OF PENSION OBLIGATION REFUNDING BONDS, AND REAPPROVING THE FORMS AND AUTHORIZING THE EXECUTION OF RELATED DOCUMENTS

Following Council discussion, the motion **CARRIED** 6-0-1 (Vice Mayor Carlstrom absent).

12.3 REPORT – ADOPTION OF THE MEMORANDUM OF UNDERSTANDING (MOU) - SERVICE EMPLOYEES INTERNATIONAL UNION, SEIU, LOCAL 1021 - UNIT 14, POLICE CIVILIAN TECHNICAL UNIT

BACKGROUND: The City's representatives and representatives from Unit 14, represented by the Service Employees International Union, SEIU, Local 1020, have met and conferred

concerning a successor Memorandum of Understanding. The Unit has agreed to no salary increases and minor changes to the vision benefit package.

RECOMMENDATION: It is recommended by the City's Negotiation Team that the Council, by resolution, adopt the Memorandum of Understanding for and on behalf of the City's Unit 14, represented by the Service Employees International Union Local 1021, to be effective July 1, 2013 to June 30, 2014.

Chris Sliz, Employee Relations Manager, provided the staff report and responded to questions from Council Members.

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

RESOLUTION NO. 28314 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING A MEMORANDUM OF UNDERSTANDING FOR AND ON BEHALF OF THE EMPLOYEES IN THE CITY OF SANTA ROSA'S UNIT 14 - POLICE CIVILIAN TECHNICAL UNIT REPRESENTED BY THE SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 1021 FOR A THREE YEAR 2013-2014

Following Council discussion, the motion **CARRIED** 6-0-1 (Vice Mayor Carlstrom absent).

12.4 REPORT - ORDINANCE INTRODUCTION – SONOMA CLEAN POWER – COMMUNITY CHOICE AGGREGATION (Continued from the July 9, 2013, Regular Meeting)

BACKGROUND: On July 9, 2013, the City Council adopted, by unanimous vote, a resolution 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 provided that certain changes are made in writing to the Joint Powers Agreement and Draft Implementation Plan as outlined and amended in the draft resolution. The Council further directed staff to place on the July 16, 2013, agenda a final resolution for adoption and an ordinance for introduction authorizing the implementation of a Community Choice Aggregation Program.

RECOMMENDATION: It is recommended by the City Manager's Office that the Council: (1) adopt a final 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; and (2) introduce an ordinance of the City of Santa Rosa authorizing the implementation of a Community Choice Aggregation Program.

City Manager Kathleen Millison provided the staff report and 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. 28315 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

Council Member Wysocky suggested a friendly amendment to the resolution and ordinance language to amend the third bullet point to read, "Providing stable long-term electric rates." The friendly amendment was accepted by the maker and seconder of the motion.

Following Council discussion, the motion **CARRIED** carried 6-0-1 (Vice Mayor Carlstrom absent) as amended.

MOVED by Council Member Swinth, seconded by Council Member Ours and **CARRIED** 6-0-1 (Vice Mayor Carlstrom absent) to waive reading of the text and introduce the following ordinance as amended by reading the title:

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM

14. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)

14.1 QUARTERLY BOARDS AND COMMISSIONS ATTENDANCE REPORT – For information only.

15. PUBLIC COMMENTS ON NON-AGENDA MATTERS

Sally Risberg invited the Council to the Oakmont 50th Anniversary celebration and to participate in their parade.

Peter Tscherneff spoke on 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 in at 6:04 p.m. memory of Harry Trout . The next regularly scheduled meeting will take place on July 30, 2013, at a time to be set by the Mayor.

Approved on:

Stephanie A. Williams
Deputy City Clerk