

**SANTA ROSA CITY COUNCIL MINUTES
REGULAR MEETING
CITY HALL, 100 SANTA ROSA AVENUE
OCTOBER 1, 2013**

1. CALL TO ORDER AND ROLL CALL

Mayor Bartley called the regular meeting to order at 1:00 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 1:07 p.m.

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

City Attorney Fowler announced 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 at 1:00 p.m. to discuss the following matters as listed on the agenda.

**2.3 PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957)**

Title: City Manager

**2.4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957)**

Title: City Attorney

**2.5 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).

**2.6 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).

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

Mayor Bartley recessed the closed sessions at 2:55 p.m. and reconvened the meeting to open session in the Council Chamber at 3:02 p.m. All Council Members were present.

3. STUDY SESSION

3.1 ACTUARIAL IMPACT OF PROPOSED UNIT 2 FIREFIGHTING CONTRACT CHANGES

On October 15, 2013, the Council is scheduled to consider the approval of a contract with Unit 2-Firefighting. The proposed contract changes include an increase in the pension contribution payment by members. An increase in the member contribution to PERS is generally considered a reduction in benefits. To comply with the requirements of Government Code Section 7507, Mr. Bartel of Bartel Associates LLC will present the actuarial impact of the proposed contract changes.

Fran Elm, Director of Human Resources, and John Bartel, Bartel Associates LLC, provided the report and responded to questions.

Mayor Bartley recessed the meeting at 3:26 p.m. and reconvened the meeting at 4:00 p.m.

4. ANNOUNCEMENT OF ROLL CALL

City Clerk Griffin announced all Council Members were present. Teen Council Member Taylor Wang was also present until 5:00 p.m.

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

City Manager Millison reported on the Study Session held regarding the actuarial impact of the proposed Unit 2 Firefighting contract changes.

City Attorney Fowler reported that the Council met in Closed Session regarding Items 2.3 through 2.6 and there were no actions to report.

6. PROCLAMATIONS/PRESENTATIONS

6.1 PROCLAMATION - DOMESTIC VIOLENCE AWARENESS MONTH

Vice Mayor Carlstrom read the proclamation and presented it to Madeleine Keegan O'Connell, Executive Director and Chief Executive Officer, YWCA Sonoma County

6.2 PROCLAMATION - NATIONAL DISABILITY AWARENESS MONTH

Council Member Ours read the proclamation and presented it to Eric Martin of North Bay Regional Center and current president of the Sonoma County Mayors' Committee on Employment of People with Disabilities.

7. STAFF BRIEFINGS – NONE

8. APPROVAL OF MINUTES

The Minutes of the September 10 and September 17, 2013, Regular Meetings 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. Teen Council Member Taylor Wang also provided a report.

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) – Vice Mayor Carlstrom announced the appointment of James Glessner, Valerie Minton, and Jane Bender to the RCPA Climate Action 2020 Stakeholders Advisory Group.
- 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) Sonoma Clean Power Authority (SCPA) – Council Member Swinth provided a report regarding the status of the selection of providers and interviews for the Ratepayer Advisory and Business Operations committees.
- f) Other: Council Member Ours reported on a meeting of the Downtown Subcommittee. Council Member Combs reported on a meeting of the Russian River Watershed Association.

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

City Manager Millison reported on bus driver Safe Driving Awards.

11. CONSENT ITEMS

PUBLIC COMMENT

Jack Osborne spoke regarding Item 11.1.

Anita Winkler, Deputy Director of Transit, responded to questions.

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

11.1 RESOLUTION - COOPERATIVE PURCHASE OF BUSES

RESOLUTION NO. 28354 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE COOPERATIVE PURCHASE OF SIX 40-FOOT LOW-FLOOR TRANSIT BUSES FROM NEW FLYER OF AMERICA INCORPORATED

12. REPORT ITEMS

12.1 REPORT - INTRODUCTION OF ORDINANCE ADOPTING A DEFINITION FOR INTERRUPTIBLE RECYCLED WATER CUSTOMER AND ADDING PROVISIONS REGARDING RATES FOR CURRENT INTERRUPTIBLE RECYCLED WATER CUSTOMERS

BACKGROUND: The Santa Rosa Subregional Water Reclamation System (Subregional System) provides tertiary treated recycled water to agricultural and urban irrigation users. The Subregional System wholesales recycled water to the Santa Rosa water utility, which serves the Santa Rosa Urban Reuse System.

On July 30, 2013, the City Council adopted the wholesale recycled water rate for interruptible service at \$130 per acre-foot. Interruptible service is defined as those customers served by the recycled water system that store recycled water to pressurize their irrigation system and can have their service interrupted at any time.

RECOMMENDATION: It is recommended by the Board of Public Utilities and the Utilities Department that the Council introduce an ordinance amending certain sections of Chapter 14-04 (Potable Water and Recycled Water Service) of the Santa Rosa City Code to define interruptible recycled water customer and to add provisions for recycled water rates for current interruptible recycled water customers.

Jennifer Burke, Deputy Director of Environmental Services, provided the staff report and responded to questions.

PUBLIC COMMENT

Jack Osborne spoke regarding his suggestion that the City build a water treatment plant for the sale of recycled water to Marin County.

MOVED by Council Member Swinth, seconded by Council Member Olivares and **CARRIED** unanimously to waive reading of the text and introduce by reading the title:

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING CERTAIN SECTIONS OF CHAPTER 14-04 (POTABLE WATER AND RECYCLED WATER SERVICE) OF THE SANTA ROSA CITY CODE TO DEFINE INTERRUPTIBLE RECYCLED WATER CUSTOMER AND TO ADD PROVISIONS FOR RECYCLED WATER RATES FOR CURRENT INTERRUPTIBLE RECYCLED WATER CUSTOMERS

12.2 REPORT - FIRST AMENDMENT TO LIBRARY JOINT POWERS AGREEMENT

BACKGROUND: The Sonoma County Library was established in 1975 with a Joint Powers Agreement (JPA). While there are Library branches in most of the County's cities, JPA members include only the County and the Cities of Healdsburg, Petaluma, Santa Rosa, and Sonoma. The Library is governed by a seven-member Library Commission. Five of the seven members are appointed by the Board of Supervisors, and one each by the Cities of Santa Rosa and Petaluma.

In 2012, the Board of Supervisors approached the Sonoma County Mayors and Council Members, who agreed to initiate a review of the Joint Powers Agreement in light of challenges at the Library and changes in demographics, technology, and finances since 1975. All of the Cities in the County agreed to participate in the review, along with the Library Commission, and formed the Sonoma County Library JPA Review Advisory Committee.

RECOMMENDATION: Provided as information. This is an important review by Council and all comments made now will be considered by the Review Committee as the final draft of the Amendment to the JPA is prepared. Council may provide direction.

Jennifer Phillips, Assistant City Manager, and Don Schwartz, County Administrator's Office, provided the staff report and responded to questions. City Attorney Fowler and City Manager Millison also responded to questions. Library Commissioner Susan Gustavson and Review Advisory Committee Member Julia Fries also responded to questions.

PUBLIC COMMENT

Kirstin Merrihew spoke in support of provisions that require the chief financial officer be hired and fired by the commission and permits individual branches the flexibility to fundraise. Linda Haering, former library employee, spoke in support of the current JPA. Jim Rosachi, former library employee, spoke in support of equity of service as provided in the current JPA.

Roger Pearson, former library director, spoke in support of the current JPA and suggested the number of commissioners be reduced to five.

Duane De Witt spoke in support of the proposed draft JPA and establishment of a branch in Roseland.

Council provided feedback to staff regarding the draft Amendment to the JPA. No action was taken by the Council.

Mayor Bartley recessed the meeting at 6:10 p.m. and reconvened the meeting at 6:16 p.m. All Council Members were present.

****12.3 REPORT – APPEAL FILED ON BEHALF OF DAVID AND JACQUELINE MARCUS, OF THE FINAL DECISION BY THE CITY ENGINEER NOT TO PROCESS A REIMBURSEMENT AGREEMENT RELATED TO THE 2003 CONSTRUCTION OF A PUBLIC SEWER MAIN EXTENSION IN GLENWOOD COURT BY A PRIVATE DEVELOPER**

BACKGROUND: On June 19, 2013, an appeal was filed on behalf of David and Jacqueline Marcus, requesting the Council to direct the City Engineer to process a reimbursement agreement associated with a public sewer main extension in Glenwood Court. Philip Kim, the developer of the public sewer main extension, has requested that the reimbursement contract be assigned to the Marcuses. The City Engineer has determined, based on section 21-10 of the City Code, that the reimbursement agreement must be entered into with the developer of the improvement and the assignment must occur after the agreement is finalized. Mr. Kim was notified of this determination. The City Engineer has also determined that additional payment records must be submitted in order to verify the actual cost of the improvement. To this date, additional payment records have not been submitted and Mr. Kim has not contacted the Department to complete the reimbursement agreement.

RECOMMENDATION: It is recommended by the City Engineer and the Utilities Department that Council, by resolution, deny the appeal and uphold the City Engineer's decision not to process a reimbursement agreement related to the 2003 construction of a public sewer main extension in Glenwood Court by Mr. Kim.

No Council Member had any ex parte communication with anyone involved with this appeal.

Gabe Osburn, Civil Engineering Technician III, provided the staff report and responded to questions.

Bill Carle, representative for the David and Jacqueline Marcus, spoke regarding the timing of the City's request for a breakdown of the improvement costs and the provision of a letter by Mr. Kim that provided a detailed breakdown, the history of the City's communication with Mr. Kim and the Marcuses, intervening changes in the City's ordinance, and the City Attorney's recommendation for an indemnity agreement. Mr. Carle recommended the Council conduct a public hearing to allow the adjacent property owners the opportunity to protest. Mr. Carle and Jacqueline Marcus responded to questions regarding the purchase price of the property.

PUBLIC COMMENT

Sonne Pedersen, resident of Glenwood Court, spoke regarding her inability to obtain a permit to connect to the sewer main extension due to the appeal.

MOVED by Council Member Ours and seconded by Vice Mayor Carlstrom to grant the appeal filed on behalf of David and Jacqueline Marcus of the final decision by the City Engineer not to process a reimbursement agreement related to the 2003 construction of a

public sewer main extension in Glenwood Court by a private developer, accept the appellants' offer of an indemnity agreement, instruct staff to prepare an engineer's estimate as soon as possible for the work completed in 2003, and hold a public hearing as required.

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

13. PUBLIC HEARINGS - NONE

14. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION) - NONE

15. PUBLIC COMMENTS ON NON-AGENDA MATTERS

Taylor Anderson-Stevenson, Women's Justice Center, spoke regarding law enforcement's handling of rape and sexual assault cases.

Susana spoke regarding her experience with law enforcement regarding the report of her daughter's rape

Ivonne spoke regarding her experience with law enforcement regarding her sexual assault case.

Lydia and Jose – Taylor Anderson-Stevenson read a statement written by Lydia and Jose regarding their experience with law enforcement regarding their daughter's sexual assault case.

16. [IF NEEDED] – 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

17. ADJOURNMENT OF MEETING

Hearing no further business, Mayor Bartley adjourned the meeting at 7:17 p.m. The next regularly scheduled meeting will take place on October 1, 2013, at a time to be set by the Mayor.

Approved on:

Terri A. Griffin
City Clerk