

**SANTA ROSA CITY COUNCIL MINUTES
REGULAR MEETING
CITY HALL, 100 SANTA ROSA AVENUE
OCTOBER 8, 2013**

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, Council Members Combs, Olivares, Ours, and Wysocky. Council Members absent: Vice Mayor Carlstrom and Council Member Swinth.

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 3:30 p.m. to discuss the following matters as listed on the agenda.

**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 the closed sessions at 3:40 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 all Council Members were present with the exception of Vice Mayor Carlstrom and Council Member Swinth. Teen Council Member Taylor Wang was also present until 5:00 p.m.

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

6.1 PROCLAMATION - FIRE PREVENTION WEEK

Council Member Olivares read the proclamation and presented it to Sharon Carlin, Community Outreach Specialist, and Srikar Danda, student at Maria Carrillo High School.

7. STAFF BRIEFINGS

7.1 BEACON AWARD - LOCAL LEADERSHIP TOWARD SOLVING CLIMATE CHANGE

The City of Santa Rosa represented by Mayor Scott Bartley, was recently recognized at the League of California Cities Annual Conference, along with 60 other cities and counties throughout California, for the work it has accomplished to reduce greenhouse gas emissions, save energy and adopt policies and programs that promote sustainability. This award program is intended to recognize the continuous effort of local agencies which have developed sustainability practices and to assist local agencies by documenting and sharing best practice activities/results. For its initial entry to the program, the City received Silver Level recognition for demonstrating accomplishment in all ten categories of Best Practices in 2013 and for achieving Greenhouse Gas Reductions of 8% agency wide for the period 2007-2010. The city's accomplishments will be updated periodically. The Beacon Award Program is sponsored by the Institute for Local Government and the Statewide Energy Efficiency Collaborative. It is funded by California utility customers and administered by Southern California Gas Company, San Diego Gas & Electric Company, Pacific Gas and Electric Company and Southern California Edison, under the auspices of the California Public Utilities Commission. City staff will provide a briefing to explain the best practices and projects for which the city has been recognized with this award.

Tasha Wright, Administrative Analyst, provided the staff briefing and responded to questions.

PUBLIC COMMENT

Duane DeWitt acknowledged the efforts of former Council members Veronica Jacobi and Marsha Vas Dupre and former employee Dell Tredinnick toward achievement of the award.

7.2 QUARTERLY REPORT ON CAPITAL IMPROVEMENT PROGRAM PROJECTS

Staff will provide an update on Capital Improvement Program (CIP) projects from April to June 2013. The briefing will include project updates, fund transfers and major expenditures, recently completed projects and projects under construction. CIP projects provide the infrastructure that is critical to the economic vitality and quality of life in Santa Rosa.

Colleen Ferguson, Deputy Director Engineering Services, provided the staff briefing and responded to questions.

PUBLIC COMMENT

Richard Canini spoke regarding shelter and bench design issues on the Transit Mall remodel project.

8. APPROVAL OF MINUTES

The minutes of the September 24, 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. Teen Council Member Taylor Wang also provided a report.

Council Member Ours announced his appointment of Bill Arnone to the Board of Public Utilities.

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) – Council Member Combs provided a report.
- d) Sonoma County Agricultural Preservation and Open Space District Advisory Committee – None.
- e) Sonoma Clean Power Authority (SCPA) – Council Member Ours provided a report.

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

City Manager Millison reported on the impacts known to date of the federal government shutdown.

City Attorney Fowler announced her upcoming attendance at the State Bar Conference.

11. CONSENT ITEMS

PUBLIC COMMENT

Duane DeWitt spoke regarding Item 11.2.

MOVED by Council Member Ours, seconded by Council Member Olivares and **CARRIED 5-0-2** (Vice Mayor Carlstrom and Council Member Swinth absent) to waive reading of the text and adopt Consent Items 11.1 through 11.4 as follows:

11.1 MOTION - CONTRACT EXTENSION - INVESTMENT ADVISORY SERVICES

MOTION TO APPROVE AMENDMENT NO. 3 TO CONTRACT NO. 8687 FOR A TWO-YEAR EXTENSION FOR INVESTMENT ADVISORY SERVICES, WITH A DECREASE IN THE ANNUAL FEE CHARGED FOR ASSETS UNDER MANAGEMENT, TO PFM ASSET MANAGEMENT LLC, SAN FRANCISCO, CALIFORNIA, IN THE AMOUNT OF \$346,000.

11.2 RESOLUTION - RATIFICATION OF RENTAL AGREEMENT BETWEEN THE CITY OF SANTA ROSA AND NICHOLAS J. ALVAREZ

RESOLUTION NO. 28355 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA RATIFYING THE RENTAL AGREEMENT FOR THE RESIDENCE LOCATED AT 630 SUMMERFIELD ROAD BETWEEN THE CITY OF SANTA ROSA AND NICHOLAS J. ALVAREZ

11.3 RESOLUTION -GRANTING 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

RESOLUTION NO. 28356 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA GRANTING 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

11.4 ORDINANCE ADOPTION - ADOPTING A DEFINITION FOR INTERRUPTIBLE RECYCLED WATER CUSTOMER AND ADDING PROVISIONS REGARDING RATES FOR CURRENT INTERRUPTIBLE RECYCLED WATER CUSTOMERS

ORDINANCE NO. 4011 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. REPORT ITEMS

12.1 REPORT - VOLUNTARY DISCLOSURE AGREEMENTS WITH UTILITY SERVICE PROVIDERS

BACKGROUND: Companies that provide telephone, gas, electricity, and video services are required to collect a 5% Utility Users Tax (UUT) and remit it to the City. Service providers who fail to comply are subject to a 15% penalty on the total unremitted tax.

The City strives for full compliance with the UUT Ordinance, and one method to bring companies into compliance is to enter into a Voluntary Disclosure Agreement when they make a good faith attempt to pay unremitted UUT. These agreements are common in the industry and recommended by the City's UUT consultant. Typically, the agreement would waive late penalties in exchange for the full payment of unremitted tax.

While the UUT Ordinance gives the City's Chief Financial Officer (CFO) the authority to administer the tax, it does not expressly give the CFO the authority to enter into agreements waiving the 15% penalty on unremitted UUT. This Resolution would give the CFO this authority.

RECOMMENDATION: It is recommended by the Finance Department that the Council, by resolution, authorize the Chief Financial Officer to enter into Voluntary Disclosure Agreements to waive penalties where the amount of the unremitted Utility Users Tax is

\$50,000 or less.

Alan Alton, Revenue Manager, provided the staff report and responded to questions.

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

RESOLUTION NO. 28357 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ENTER INTO VOLUNTARY DISCLOSURE AGREEMENTS WITH UTILITY SERVICE PROVIDERS IN AN AMOUNT OF \$50,000 OR LESS

Following Council discussion, the motion **CARRIED** 5-0-2 (Vice Mayor Carlstrom and Council Member Swinth absent).

12.2 REPORT - ADOPTION OF BAYER NEIGHBORHOOD PARK & GARDENS AMENDED MASTER PLAN

BACKGROUND: In order to provide immediate programming at the site, the Recreation and Parks Department partnered with LandPaths, a local nonprofit to provide "interim" onsite programming and community garden activities. LandPaths' interim role at the park has evolved and grown over the years, and both the City and LandPaths are committed to working together to make the park a success for years to come.

The goal was to create a park that suited the needs of the community and community participation was integral to the planning from the outset. Over several months, steering committee meetings and public workshops were conducted to fully enable public participation in the park planning process; over fifteen public meetings were held. During the community outreach process, a sense of community ownership developed and residents became deeply committed to the planning process as well as the future park. During the planning workshops, members of the public chose features that were best suited to the needs of the community and determined the placement within the park.

In 2011, it was presented to Council that it was anticipated that the Park Master Plan will require additional design work from the project team and a contract amendment would be presented before Council when the scope was further defined.

On July 24, 2013, the Board of Community Services reviewed the amended Park Master Plan and recommends that Council approve the Amended Park Master Plan as the plan for this site.

RECOMMENDATION: It is recommended by the City Manager's Office, Recreation and Parks and the Board of Community Services that the Council, by resolution, adopt the Bayer Neighborhood Park and Gardens Amended Master Plan.

Jennifer Phillips, Assistant City Manager, provided the staff report and responded to questions. Omar Gallardo, LandPaths Outreach Director, Craig Anderson, LandPaths Executive Director, and Cordy Hill, project architect, also responded to questions.

PUBLIC COMMENT

Duane DeWitt spoke in support of preserving the Bayer Farm House and expressed concerns regarding its proposed demolition.

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

RESOLUTION NO. 28358 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING THE AMENDED PARK MASTER PLAN FOR BAYER NEIGHBORHOOD PARK AND GARDENS

Following Council discussion, the motion **CARRIED** 5-0-2 (Vice Mayor Carlstrom and Council Member Swinth absent).

12.3 REPORT - MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA ROSA'S RECREATION AND PARKS DEPARTMENT AND THE SANTA ROSA PARKS FOUNDATION

BACKGROUND: Santa Rosa Parks Foundation (SRPF) is a non-profit organization consisting of a dedicated group of community volunteers that was formed to engage the community and fundraise in support of Santa Rosa's recreation and parks programs and facilities. SRPF's first project is to raise funds for the purchase of a new train for Howarth Park, a set of replacements parts for the train, and one new passenger car that is ADA Accessible. The current train is 44 years old and in need of constant repairs, incurring annual maintenance costs in excess of \$10,000. Currently, there is not a replacement fund set up for the train. The proposed Memorandum of Understanding between the City of Santa Rosa and Santa Rosa Parks Foundation will bring in funds to replace the Howarth Park train, one of the City's most popular park features that has been enjoyed by families for 44 years.

RECOMMENDATION: It is recommended by the Department of Recreation and Parks that Council, by resolution, approve this Memorandum of Understanding between the City of Santa Rosa and Santa Rosa Parks Foundation to raise funds to replace the Howarth Park train and authorizes the Director of Recreation and Parks signing authority to enter into this Memorandum of Understanding.

Kelly Magnuson, Deputy Director of Recreation, provided the staff report and responded to questions. Melinda Rivera, President of the Santa Rosa Parks Foundation, provided brief remarks and introduced other members of the Santa Rosa Parks Foundation.

PUBLIC COMMENT

Duane DeWitt spoke in support of the Memorandum of Understanding and recommended fundraising for other parks.

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

RESOLUTION NO. 28359 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE SANTA ROSA PARKS FOUNDATION

Following Council discussion, the motion **CARRIED** 5-0-2 (Vice Mayor Carlstrom and Council Member Swinth absent).

13. PUBLIC HEARINGS - NONE

14. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION)

14.1 QUARTERLY CAPITAL IMPROVEMENT PROGRAM PROJECTS UPDATE: APRIL - JUNE 2013

Provided for informational purposes.

15. PUBLIC COMMENTS ON NON-AGENDA MATTERS

Duane DeWitt spoke in support of volunteers in the community and announced an event to be held in Roseland on October 26.

Carolyn Duke spoke regarding trash and parked vehicle issues in Southwest Santa Rosa.

Colleen Fernald expressed concerns regarding Efren Carrillo and U.S. rendition and foreign policy.

Richard Canini spoke regarding shelter design issues at the Transit Mall.

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 5:48 p.m. The next regularly scheduled meeting will take place on October 15, 2013, at a time to be set by the Mayor.

Approved on:

Terri A. Griffin
City Clerk