

**SANTA ROSA CITY COUNCIL MINUTES  
REGULAR MEETING  
CITY HALL, 100 SANTA ROSA AVENUE  
JULY 30, 2013**

**1. CALL TO ORDER AND ROLL CALL**

Mayor Bartley called the meeting to order at 3:00 p.m. in the Mayor's Conference Room. Council Members present: Mayor Bartley, Council Members Combs, Olivares, Ours, Swinth, and Wysocky. 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 at 3:00 p.m. 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 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

(Subdivision (d)(1) of Government Code Section 54956.9)

Name of case: United States, the States of California, Delaware, Florida, Illinois, Indiana, Nevada, New Mexico, Tennessee, and the Commonwealths of Massachusetts, Virginia and the District of Columbia, ex rel. John Hendrix v. J-M Manufacturing Company, Inc., d/b/a JM Eagle, a Delaware corporation, and Formosa Plastics Corporation U.S.A., a Delaware corporation; United States District Court for the Central District of California, Case No. ED CV06-0055-GW

**2.6 CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

(Subdivision (d)(1) of Government Code Section 54956.9)

Name of Case: Colleen Maguire v. City of Santa Rosa, U.S.D.C. Northern District Case No. C11-02352 JSW.

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

Mayor Bartley recessed closed session at 4:00 p.m. and convened the meeting to open session in the Council Chamber at 4:07 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.

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

City Attorney Fowler reported that the Council met in Closed Session regarding Items 2.3, 2.4, 2.5, and 2.6 and there were no actions to report. She further announced that the Council met prior to this meeting in Closed Session as the Successor Agency and there were no actions to report from the Successor Agency Closed Sessions.

**6. PROCLAMATIONS/PRESENTATIONS**

**6.1 PRESENTATION – SISTER CITY UPDATE**

Fred Ptucha, President, provided an update regarding the Cherkassy, Ukraine, Sister City Program and displayed a video regarding Climbers for Peace.

**PUBLIC COMMENT**

Duane DeWitt spoke in favor of fundraising to pay for members of the Council to visit Cherkassy and the benefits of the Sister City program.

Peter Tscherneff spoke in favor of Mr. Ptucha's report and regarding various other topics.

**7. STAFF BRIEFINGS – NONE**

**8. APPROVAL OF MINUTES – NONE**

**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.

Council Member Ours announced his appointment of Carolina Spence to 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 (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: Council Member Combs reported on a meeting of the Russian River Watershed Association.

#### 9.4 **SELECTION OF COUNCIL REPRESENTATIVES TO THE SONOMA CLEAN POWER AUTHORITY**

Conditioned upon adoption of the ordinance regarding Sonoma Clean Power-Community Choice Aggregation, the Council selected two board members and two alternates to serve as the City's representatives on the Sonoma Clean Power Authority Board of Directors:

##### First Representative

**MOVED** by Council Member Ours and seconded by Council Member Olivares to nominate Council Member Swinth to serve as Santa Rosa's first representative on the Sonoma Clean Power Authority Board of Directors. The motion **CARRIED** 6-0-1 (Vice Mayor Carlstrom absent) and Council Member Swinth was appointed to serve as Santa Rosa's first representative on the Sonoma Clean Power Authority Board of Directors.

##### Second Representative

**MOVED** by Council Member Olivares and seconded by Council Member Swinth to nominate Council Member Ours to serve as Santa Rosa's second representative on the Sonoma Clean Power Authority Board of Directors.

**MOVED** by Council Member Combs and seconded by Council Member Wysocky to nominate Council Member Wysocky to serve as Santa Rosa's second representative on the Sonoma Clean Power Authority Board of Directors.

The motion to nominate Council Member Ours **CARRIED** 4-2-1 (Council Members Combs and Wysocky voting no; Vice Mayor Carlstrom absent) and Council Member Ours was appointed to serve as Santa Rosa's second representative on the Sonoma Clean Power Authority Board of Directors.

##### First Alternate

**MOVED** by Council Member Ours and seconded by Council Member Olivares to nominate Council Member Wysocky to serve as Santa Rosa's first alternate on the Sonoma Clean Power Authority Board of Directors. The motion **CARRIED** 6-0-1 (Vice Mayor Carlstrom absent) and Council Member Wysocky was appointed to serve as Santa Rosa's first alternate on the Sonoma Clean Power Authority Board of Directors.

##### Second Alternate

**MOVED** by Council Member Wysocky and seconded by Council Member Ours to nominate Council Member Olivares to serve as Santa Rosa's second alternate on the Sonoma Clean Power Authority Board of Directors.

**MOVED** by Council Member Combs and seconded by Council Member Swinth to appoint Council Member Combs to serve as Santa Rosa's second alternate on the Sonoma Clean Power Authority Board of Directors.

The motion to nominate Council Member Olivares **CARRIED** 4-2-1 (Council Members Combs and Swinth voting no; Vice Mayor Carlstrom absent) and Council Member Olivares was appointed to serve as Santa Rosa's second alternate on the Sonoma Clean Power Authority Board of Directors.

PUBLIC COMMENT

Peter Tscherneff expressed concerns regarding the selection of representatives to serve on the board.

Colleen Fernald expressed concerns regarding the votes being taken prior to public comment and the selection of representatives to serve on the board.

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

City Manager Millison provided an update on the final phase of the Santa Rosa aqueduct seismic upgrade work on Sonoma Avenue and the temporary shutdown of the aqueduct. She further reported that Standard and Poor's Rating Service raised its long-term rating on Santa Rosa's wastewater system revenue bond from A+ to AA-.

City Attorney Fowler reported that Assistant City Attorney Molly Dillon will be in attendance at the August 6<sup>th</sup> Council meeting in her absence.

**MOVED** by Council Member Wysocky and seconded by Council Member Combs to reconsider the vote taken on the second alternate appointment to the Sonoma Clean Power Authority. The motion **FAILED** 3-3-1 (Mayor Bartley, Council Members Olivares and Ours voting no; Vice Mayor Carlstrom absent.)

**11. CONSENT ITEMS**

City Attorney Fowler reported that Board of Sonoma Clean Power approved all recommendations requested by the City relating to the Joint Powers Agreement and proposed changes to the Implementation Plan would be considered at the August meeting at which the Santa Rosa representatives would be seated.

PUBLIC COMMENT

Peter Tscherneff, speaking regarding Item 11.2, requested a public explanation of Sonoma Clean Power.

Anne Seeley, speaking on Item 11.2, thanked the Council for its diligence in making Sonoma Clean Power the best it can be.

City Attorney Fowler responded to questions regarding Item 11.1.

**MOVED** by Council Member Combs, seconded by Council Member Olivares and **CARRIED** 6-0-1 (Vice Mayor Carlstrom absent) to waive reading of the text and adopt Items 11.1 and 11.2 as follows:

**11.1 RESOLUTION – AMENDMENT TO APPENDIX A TO THE CITY'S CONFLICT OF INTEREST CODE**

**RESOLUTION NO. 28316 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ADOPTING AN AMENDED APPENDIX A TO THE CONFLICT OF INTEREST CODE OF THE CITY OF SANTA ROSA

**11.2 ORDINANCE ADOPTION - SONOMA CLEAN POWER – COMMUNITY CHOICE AGGREGATION**

**ORDINANCE NO. 4009 ENTITLED:** ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM

## 12. REPORT ITEMS

### 12.1 REPORT – COUNCIL MANUAL OF PROCEDURES AND PROTOCOLS

**BACKGROUND:** At the Council's Goal Setting session held on February 14, 2013, the Council discussed the process for placement of agenda items on the agenda by Council members, the idea of consolidating the Council's Manual of Procedures and Council Norms into one document, and the possible adoption of Rosenberg's Rules of Order as the general guidelines for the conduct of the Council meetings. The Council directed the City Attorney and the City Clerk to bring forward for Council consideration a Council Manual of Procedures and Protocols, which consolidates the Council's Manual of Procedures and the Council Norms into one document, includes a process for Council members to place items for discussion on a future agenda, and adopts Rosenberg's Rules of Order as the general guidelines by which Council meetings will be conducted.

**RECOMMENDATION:** It is recommended by the City Attorney and the City Clerk that the Council, by resolution, (1) adopt a Manual of Procedures and Protocols consolidating and updating the Council Manual of Procedures and the Council Norms; and (2) adopt Rosenberg's Rules of Order as the Council's general guidelines for the conduct of its meetings.

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

#### PUBLIC COMMENT

Peter Tscherneff spoke in favor of moving the public comment period to the beginning of the meeting and expressed concerns regarding limiting the time to speak.

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

**RESOLUTION NO. 28317 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING A MANUAL OF PROCEDURES AND PROTOCOLS

Following Council discussion, the motion **CARRIED** 5-1-1 (Council Member Wysocky voting no; Vice Mayor Carlstrom absent).

### 12.2 REPORT – CONTRACT AWARDS – ACCELA PERMITS PLUS LAND MANAGEMENT SYSTEM SOFTWARE AND SERVICES

**BACKGROUND:** In 1996, the City purchased the Accela Permits Plus software application primarily for managing building, planning, land use and other assorted permits and inspections. Permits Plus has been a reliable system that has met the City's original requirements with respect to tracking and reporting of permitting and inspection processes. Over the past 17 years, the Permits Plus software application has undergone many successful minor software updates at the City, and is now requiring a major update to the next version called "Accela Automation."

**RECOMMENDATION:** It is recommended by the Community Development, Transportation and Public Works, Utilities, Fire, Finance, and Information Technology Departments that the Council, by resolution, authorize contract awards and appropriate funds associated with upgrading the City's land management system, Permits Plus, including:

- Waiver of competitive bids and contract award for software and implementation services to Accela, Inc., San Ramon, California, in the amount of \$241,031.92, plus \$24,103 project contingency, and issuance of a five year contract in the amount of \$429,266.92 for support and maintenance.

- Contract award for project management, implementation and support services to IK Consulting, LLC, Tucson, Arizona, in the amount of \$228,857, plus \$22,886 project contingency, and an additional \$46,000 in support services costs over a three year period.
- Waiver of competitive bids and contract award for integrated Interactive Voice Response (IVR) system upgrade services to Selectron Technologies, Inc., Portland, Oregon, in the amount of \$34,675, plus \$3,468 project contingency.
- Contract award for software code escrow services with NCC Group Escrow Associates, LLC, San Francisco, California, in the amount of \$750 for the first year.
- Authorize the Chief Financial Officer to increase appropriations in project number 02060 (Accela Automation Project) in the amount of \$28,912, the source of funds being Information Technology Fund Reserves for balance of project funding.

Expenditures authorized by the contract awards total \$555,770.92 to be paid from Project Key 02060 (Accela Automation Project) and \$475,266.92 to be paid from Operational Key 350307 (Enterprise Software Support).

Brian Tickner, Information Technology Section Manager, provided the staff report and responded to questions from Council Members. Eric McHenry, Chief Technology Officer, and Jim Wright, Purchasing Agent, also responded to questions from Council Members.

**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. 28318 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING WAIVER OF COMPETITIVE BIDS AND CONTRACT AWARD FOR SOFTWARE AND IMPLEMENTATION SERVICES TO ACCELA, INC., SAN RAMON, CALIFORNIA, IN THE AMOUNT OF \$241,031.92, PLUS \$24,103 PROJECT CONTINGENCY, AND ISSUANCE OF A FIVE YEAR CONTRACT IN THE AMOUNT OF \$429,266.92 FOR SUPPORT AND MAINTENANCE; CONTRACT AWARD FOR PROJECT MANAGEMENT, IMPLEMENTATION AND SUPPORT SERVICES TO IK CONSULTING, LLC, TUCSON, ARIZONA, IN THE AMOUNT OF \$228,857, PLUS \$22,886 PROJECT CONTINGENCY, AND AN ADDITIONAL \$46,000 IN SUPPORT SERVICES COSTS OVER A THREE YEAR PERIOD; WAIVER OF COMPETITIVE BIDS AND CONTRACT AWARD FOR INTEGRATED INTERACTIVE VOICE RESPONSE (IVR) SYSTEM UPGRADE SERVICES TO SELECTRON TECHNOLOGIES, INC., PORTLAND, OREGON, IN THE AMOUNT OF \$34,675, PLUS \$3,468 PROJECT CONTINGENCY; CONTRACT AWARD FOR SOFTWARE CODE ESCROW SERVICES WITH NCC GROUP ESCROW ASSOCIATES, LLC, SAN FRANCISCO, CALIFORNIA, IN THE AMOUNT OF \$750 FOR THE FIRST YEAR; AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO INCREASE APPROPRIATIONS IN PROJECT NUMBER 02060 (ACCELA AUTOMATION PROJECT) IN THE AMOUNT OF \$28,912, THE SOURCE OF FUNDS BEING INFORMATION TECHNOLOGY FUND RESERVES FOR BALANCE OF PROJECT FUNDING

Mayor Bartley recessed the meeting at 6:05 p.m. and reconvened the meeting at 6:14 p.m. All Council Members were present with the exception of Vice Mayor Carlstrom.

### 13. PUBLIC HEARINGS

#### 13.1 PUBLIC HEARING – WHOLESALE RECYCLED WATER RATE FOR INTERRUPTIBLE SERVICE AND DECREASE IN THE WHOLESALE RECYCLED WATER RATE FOR NON-INTERRUPTIBLE SERVICE

BACKGROUND: In June 2008, the Santa Rosa City Council adopted a wholesale recycled water rate, setting the rate at \$225 per acre-foot in 2008 dollars, adjusted annually consistent with changes in Sonoma County Water Agency's wholesale water rate applicable to the City of Santa Rosa. Discussions have begun with the City of Rohnert Park to evaluate a wholesale-retail relationship between the Subregional System and the City of Rohnert Park. During this evaluation, the Subregional System 2008 wholesale recycled water rate was reviewed and updates are recommended. The Board of Public Utilities recommends that the Council adopt a wholesale recycled water for interruptible service of \$130 per acre-foot in 2013 dollars, and decrease the existing wholesale recycled water rate for non-interruptible service to \$242 per acre-foot in 2013 dollars, with annual adjustments consistent with the percent changes in Consumer Price Index-Urban for the San Francisco-Oakland-San Jose, California area.

RECOMMENDATION: It is recommended by the Board of Public Utilities and the Utilities Department that the Council, by resolution, adopt a wholesale recycled water rate for interruptible service and decrease the existing wholesale recycled water rate for non-interruptible service.

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

#### PUBLIC HEARING

Mayor Bartley opened the public hearing at 6:25 p.m.

Duane Dewitt spoke in favor of using recycled water as an asset to generate revenue and questioned how much revenue is received from the Geysers for recycled water.

Colleen Fernald expressed concerns regarding the quality of treated wastewater.

Peter Tscherneff spoke in favor of selling recycled water as a commodity and various other topics.

Seeing no one else wishing to speak, Mayor Bartley closed the public hearing at 6:35 p.m.

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

**RESOLUTION NO. 28319 ENTITLED:** RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING A WHOLESALE RECYCLED WATER RATE FOR INTERRUPTIBLE SERVICE AND DECREASING THE EXISTING WHOLESALE RECYCLED WATER RATE FOR NON-INTERRUPTIBLE SERVICE

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

### 14. WRITTEN COMMUNICATIONS

#### 14.1 NOTICE OF SUBMITTAL OF FINAL MAP - MAYETTE VILLAGE SUBDIVISION

Provided for information only.

#### 14.2 CHANATE ROAD PEDESTRIAN PATH MINOR CONTRACT AWARD

Provided for information only.

**15. PUBLIC COMMENTS ON NON-AGENDA MATTERS**

Duane DeWitt spoke regarding the Burbank Avenue Scenic Roadway Guidelines and distributed two documents to the Council.

Colleen Fernald expressed concerns regarding laws of torture.

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 6:49 p.m. The next regularly scheduled meeting will take place on August 6, 2013, at a time to be set by the Mayor.

Approved on: August 27, 2013

/s/ Terri A. Griffin, City Clerk