

**SANTA ROSA CITY COUNCIL MEETING MINUTES
TUESDAY, DECEMBER 6, 2011
COUNCIL CHAMBER, CITY HALL, 100 SANTA ROSA AVENUE
REGULAR MEETING**

3:30 PM (MAYOR'S CONFERENCE ROOM, ROOM 10)

1. CALL TO ORDER AND ROLL CALL

Mayor Olivares called the meeting to order at 3:30 p.m. Council Members present: Mayor Olivares, Vice Mayor Sawyer, Council Members Bartley, Gorin, Ours, Vas Dupre and Wysocky.

2. ANNOUNCEMENT OF CLOSED SESSION ITEM(S) AND ADJOURNMENT TO CLOSED SESSION(S) IN MAYOR'S CONFERENCE ROOM (ROOM 10, CITY HALL)

PUBLIC COMMENT ON CLOSED SESSION ITEMS: NONE

2.1 CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: Fran Elm, Human Resources Director, Chris Sliz, Employee Relations Manager and Jennifer Phillips, Assistant City Manager.

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).

2.2 CONFERENCE WITH LABOR NEGOTIATOR

Agency Designated Representative: Kathleen Millison, City Manager.

Unrepresented Executive Management, Middle Management, and Confidential Employees (Employee Units 10, 11 and 12).

2.3 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.

(Subdivision (a) of Government Code section 54956.9)

Name of Case: Valerie Barber et al. v. City of Santa Rosa, et al., United States Northern District Case No. C-08-5649 MMC.

2.4 ADJOURN CLOSED SESSIONS AND RECONVENE TO OPEN SESSION IN THE COUNCIL CHAMBER

Mayor Olivares reconvened the Council meeting to open session in the Council Chamber at 4:20 p.m.

3. STUDY SESSION – None.

4. ANNOUNCEMENT OF ROLL CALL

All Council Members were present as noted above. Teen Council Member Allison Berk was also present.

5. REPORT, IF ANY, ON CLOSED SESSIONS

City Attorney Fowler reported that the Council had met in Closed Session regarding Items 2.1 through 2.3 and there was no action taken during the closed sessions.

6. PROCLAMATIONS/PRESENTATIONS – None.

7. STAFF BRIEFINGS

7.1 REPORT ON 2011 EMPLOYEE FUND DRIVE

Liz Licursi, Administrative Secretary, provided a report on events held for the 2011 United Way Employee Fund Drive

7.2 SANTA ROSA SHARE EXCHANGE

Danielle O'Leary, Economic Development and Housing Manager, and Kelley Rajala, Executive Director of Santa Rosa Share Exchange, provided an overview of the economic development efforts of the Santa Rosa Share Exchange and highlighted its business incubator services.

8. APPROVAL OF MINUTES

The November 10, 2011, Special Meeting Minutes were approved as submitted.

The November 15, 2011, Regular Meeting Minutes were approved with the following amendments: As to Item 3.4, Council Member Wysocky noted that he requested a report back from the school district. As to Item 14, Council Member Vas Dupre noted for the record that speaker DeeDee Bridges is President of the Sonoma County League of Women Voters.

9A MAYOR'S/COUNCILMEMBERS' REPORTS

1. STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS

No statements of abstention were made.

2. MAYOR/COUNCILMEMBERS' REPORTS

Council Members reported on various meetings and events attended.

3. REPORTS BY COUNCILMEMBERS REGARDING VARIOUS AGENCY MEETINGS ATTENDED (IF NEEDED)

- Sonoma County Transportation Authority (SCTA) – None
- Sonoma County Water Agency (SCWA) Water Advisory Committee – None
- Solid Waste Advisory Group (SWAG) – None
- Other – None

9B CITY MANAGER'S/CITY ATTORNEY'S REPORTS

The City Manager and City Attorney reported on items on interest to the Council.

10. CONSENT ITEMS

PUBLIC COMMENT

Jack Osborne questioned why document production services are not provided in-house.

MOVED by Vice Mayor Sawyer, seconded by Council Member Bartley, and carried unanimously, to waive reading of the text and adopt consent calendar Item Nos. 10.1 through 10.3 as follows:

10.1 MOTION -- CONTRACT EXTENSION - DOCUMENT REPRODUCTION SERVICES

MOTION extending Contract No. 08-8929 for document reproduction services with Green Tara, Inc., dba Clone Digital Print and Copy, Santa Rosa, CA, for an additional one-year term, with no increase in contract unit prices and a total amount of contract extension of \$125,000.

10.2 RESOLUTION -- AUTHORIZATION FOR SUBMITTAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM, MS4 ANNUAL REPORT TO THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD FOR JULY 1, 2010 - JUNE 30, 2011

RESOLUTION NO. 28015 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING SUBMITTAL OF THE ANNUAL REPORT FOR STORM WATER

PERMIT COMPLIANCE TO THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD AS REQUIRED BY THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT NO. CA0025054 FOR STORM WATER DISCHARGES.

10.3 RESOLUTION -- ACCEPTING AND APPROPRIATING FUNDS FROM A GRANT FROM TARGET FOR COMMUNITY PREPAREDNESS TRAINING

RESOLUTION NO. 28016 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ACCEPTING AND APPROPRIATING FUNDS FROM A GRANT FROM TARGET FOR COMMUNITY PREPAREDNESS TRAINING

11. REPORT ITEMS

11.1 REPORT -- REPORT ON THE FEASIBILITY OF COMMUNITY CHOICE AGGREGATION FOR SONOMA COUNTY

BACKGROUND: In 2002, the California Legislature enacted legislation permitting the creation of Community Choice Aggregation (CCA) Programs. CCA Programs are established to provide options for electric power by qualifying governmental agencies. In March 2011 a feasibility study was conducted regarding implementation of a CCA program in Sonoma County. The "Report on the Feasibility of Community Choice Aggregation in Sonoma County" will be presented by City and Sonoma County Water Agency staff.

RECOMMENDATION: It is recommended by the Utilities Department that Council evaluate the feasibility study and provide comments regarding the next steps.

Dell Tredinnick, Utility Project Development Manager, introduced Cordel Stillman, Deputy Engineer, Sonoma County Water Agency, who made the presentation and responded to Council questions.

PUBLIC COMMENTS

Jack Osborne spoke regarding the increased costs of electricity that would result from Community Choice Aggregation and greenhouse gas emissions that originate outside the U.S.

Peter Tscherneff spoke regarding other ideas to generate energy.

Willard Richards spoke in favor of a Community Choice Aggregation Program and the success of the Marin County program.

City Manager Millison indicated she will work with Mr. Stillman to provide additional information in response to questions raised by the Council. No action was taken. There was general consensus by the Council to move forward with exploring options and considering next steps.

11.2 REPORT -- SANTA ROSA PLAZA PEDESTRIAN PATH APPEAL

BACKGROUND: Design Review Board Resolution Number 11-850 which approved preliminary and Final Design Review for the Santa Rosa Plaza Pedestrian Pathway project on September 15, 2011 but required as condition Number 21 that the applicant "Submit a plan to the City within three years addressing interim permanent pedestrian access between the east and west sides of the Plaza;" located at 1071 Santa Rosa Plaza. This appeal seeks to remove that condition.

RECOMMENDATION: It is recommended by the Department of Community Development that the Council, by resolution, grant the appeal and approve the modified resolution.

Noah Housh, City Planner, and Chuck Regalia, Director of Community Development, made the staff presentation and responded to Council questions.

PUBLIC COMMENTS

Anne Seeley spoke in favor of denying the appeal.

Nancy Richards spoke in favor of denying the appeal.

Willard Richards spoke in favor of charged parking and pedestrian improvements.

Peter Tscherneff spoke regarding various topics.

Allen Thomas spoke in favor of taking the pedestrian pathway out of the General Plan.

Jenny Bard spoke in favor of denying the appeal.
Richard Carlile spoke regarding the history of the easement.
Julie Combs spoke regarding the lack of an appeal by Simon.

No members of the Council had ex parte communications regarding this appeal. Council Member Vas Dupre indicated she was given a narrative as to how her appointee to the Design Review Board was removed from his position as chair.

Following Council discussion, it was MOVED by Council Member Bartley seconded by Council Member Ours and carried 4-3 (Council Members Gorin, Vas Dupre and Wysocky voting NO), to waive reading of the text and adopt:

RESOLUTION NO. 28017 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS GRANTING AN APPEAL AND APPROVING PRELIMINARY AND FINAL DESIGN REVIEW FOR THE SANTA ROSA PLAZA PEDESTRIAN PATH LOCATED AT 1071 SANTA ROSA PLAZA (APN(S): 010-660-001- FILE NUMBER DR11-025

Mayor Olivares recessed the Council meeting at 7:15 p.m. for a short dinner break.

Mayor Olivarez reconvened the Council meeting at 7:45 p.m. and re-ordered the agenda to consider Item No. 11.5 at this time.

11.5 PUBLIC HEARING -- BOARD OF PUBLIC UTILITIES WATER, RECYCLED WATER AND WASTEWATER RATE INCREASE RECOMMENDATIONS FOR 2012 AND 2013

BACKGROUND: The City of Santa Rosa delivers potable water to over 51,000 customers, operates a recycled water system for agricultural and urban irrigation and commercial processes, collects wastewater from over 45,000 customers, and operates the Subregional Water Reuse System which beneficially reuses over 7.5 billion gallons of tertiary treated wastewater and 27,289 wet tons of biosolids annually. Water and wastewater services are primarily financed by Santa Rosa ratepayer user fees and charges and Santa Rosa ratepayers contribute about 75% of the Subregional Water Reuse System operating and debt service revenue based on flow into the plant.

Although the utility continues to streamline operations, has cut personnel, and reduced expenditures for infrastructure replacement, all sources of revenue have declined and costs are projected to outpace revenues.

The Board of Public Utilities extensively reviewed revenue and expenditure projections, considered operation and capital replacement goals and analyzed potential rate increase options.

RECOMMENDATION: The Board of Public Utilities and City Utilities staff recommend that the Council adopt an ordinance increasing water and recycled water usage charges by 1% on January 14, 2012 and on January 1, 2013 and water and recycled water fixed charges by 18% on January 14, 2012 and by 15.2% on January 1, 2013 and adopt a resolution increasing wastewater usage and fixed charges by 3% on January 14, 2012 and on January 1, 2013 to generate the required revenue to provide water and wastewater services, fund the proposed capital improvement program and pay existing debt service charges.

Linda Reed, Administrative Service Officer, made the staff presentation. Board of Public Utilities Chair Richard Dowd and Vice Chair Stephen Gale discussed the rate-setting analysis and processes followed by the Board of Public Utilities, Budget Committee, and Steering Team, the history of previous rates, the status of current utility reserves, and the increased costs and risks associated with deferred CIP projects. Miles Ferris, Director of Utilities, responded to Council questions.

PUBLIC HEARING

Mayor Olivares opened the public hearing at 8:58 p.m. The following individuals spoke in opposition to the proposed rate increases:

David Cox
Mario Russo
Michael Cruzier
Andrew Atkerson
Allen Gonzalez
Tanya Ortelle
Gerald Niimi
Deborah
Kathie Ramazzotti
D.J.Phimister
Ron Keating
Peter Tscherneff
Lou Taveras
Colin Nix
Two unidentified speakers

Hearing no further requests to speak the Mayor Olivares closed the public hearing at 9:43 p.m.

City Clerk Griffin announced that 162 written protests were received, which is less than one-half of the 48,226 parcels subject to the proposed rate increase, and therefore a majority protest had not been filed.

City Manager Millison, Assistant City Attorney Rawlings, Director of Utilities Ferris, and Revenue Manager Kutches responded to Council questions.

Following Council discussion, it was MOVED by Council Member Gorin, seconded by Council Member Ours and carried 6-1 (Council Member Wysocky voting NO), to waive reading of the text and adopt:

RESOLUTION NO. 28019 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA LEVYING AND ASSESSING WASTEWATER SERVICE CHARGES AND REPEALING RESOLUTION NO. 27538

MOVED by Council Member Gorin, seconded by Council Member Ours, carried 6-1 (Council Member Wysocky voting NO), to waive reading of the text and introduce:

ORDINANCE ENTITLED: ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING SECTIONS 14-04.090 AND 14-08.010 OF THE SANTA ROSA CITY CODE, REVISING MONTHLY SERVICE CHARGES AND RATES CHARGED FOR CITY WATER SERVICES

Mayor Olivares recessed the Council meeting at 10:40 p.m. and reconvened the Council meeting at 10:48 p.m.

11.3 REPORT -- ONE BAY AREA GRANT PROGRAM PROPOSAL AND OTHER POTENTIAL PRIORITY DEVELOPMENT AREAS

BACKGROUND: Senate Bill 375 was passed in late 2008 and is considered landmark legislation for California relative to land use, transportation, and environmental planning. It builds on the existing framework of regional planning to tie together the regional allocation of housing needs and regional transportation planning in an effort to reduce greenhouse gas emissions.

As noted above, SB 375 links planning for land use, transportation and housing. How this will manifest is becoming clearer. In July 2011, the One Bay Area Grant proposal was released, outlining how Cycle 2 Surface Transportation Program, Congestion Mitigation and Air Quality Improvement Account funding would be distributed.

Below are the major components of the proposal:

- Distribution formula for funding to the counties – 50% population, 25% Regional Housing Needs

Allocation for 2007-2014 and 25% actual housing production.

- Priority Development Area (PDA) – require that at least 70% of funding be spent on projects in PDAs.

On November 15, 2011 the City Council adopted a resolution designating the North Station Plan Area and authorized the Mayor to sign a letter forwarding comments to the Association of Bay Area Governments and the Metropolitan Transportation Commission regarding the alternative land use scenarios developed as part of the Sustainable Communities Strategy. Staff has prepared a draft letter for the Mayor's signature which conveys the comments related to distribution formulas, PDA 70% minimum and performance and accountability requirements in the One Bay Area Grant Proposal. Staff has looked at the possibility of designating other Priority Development Areas in the Santa Rosa Urban Growth Boundary and is working with the County of Sonoma on a joint application to designate a part of Roseland as a PDA.

RECOMMENDATION: It is recommended by the Departments of Transportation and Public Works and Community Development that the City Council, by motion, authorize the Mayor to sign a letter providing comments on the One Bay Area Grant proposal and, by resolution, support an application for a Priority Development Area in the Roseland area.

Nancy Adams, Transportation Planner, and Lisa Kranz, Supervising Planner, made the staff presentation and responded to Council questions.

PUBLIC COMMENTS – None

Following Council discussion, it was **MOVED** by Council Member Ours, seconded by Council Member Wysocky, and carried unanimously to authorize the Mayor to sign a letter providing comments on the One Bay Area Grant proposal.

MOVED by Council Member Ours, seconded by Council Member Wysocky, and carried unanimously, to waive reading of the text and adopt the following resolution as amended to include "DESIGNATING THE ROSELAND AREA IN SOUTHWEST SANTA ROSA" in the resolution title:

RESOLUTION NO. 28018 ENTITLED: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA SUPPORTING AN APPLICATION DESIGNATING THE ROSELAND AREA IN SOUTHWEST SANTA ROSA AS A PRIORITY DEVELOPMENT AREA UNDER THE FOCUSING OUR VISION PROGRAM AND SUSTAINABLE COMMUNITIES STRATEGY

11.4 REPORT -- PLAN BAY AREA POTENTIAL TRANSPORTATION PROJECTS LIST

BACKGROUND: On November 14, 2011, the Sonoma County Transportation Authority (SCTA) was given an update on the Sustainable Communities Strategy process including the next steps in local review of the Regional Transportation Plan (RTP) or Plan Bay Area potential project list.

On November 15, 2011, the City Council asked staff to provide a report on the SCTA Advisory Committees recommendations on the list of potential transportation projects. The SCTA submitted an unconstrained list of potential transportation projects provided by local jurisdictions as priority projects over the next 30 years in May 2011 to the Metropolitan Transportation Commission (MTC) totaling an estimated \$8.6 billion.

MTC is requesting that each County in the Bay Area review their unconstrained project lists and determine county priorities that will fit within each county's funding target. The SCTA's target is estimated at \$967.5 million for the long range (30 years) RTP. The SCTA Advisory Committees meetings are scheduled between November 17th and November 30th. Staff will be presenting the recommendations from the Committees as part of the staff presentation.

RECOMMENDATION: It is recommended by the Departments of Transportation and Public Works and Community Development that the City Council, by motion, provide direction on the Plan Bay Area potential project list to the SCTA representative.

Nancy Adams, Transportation Planner, made the staff presentation.

PUBLIC COMMENTS: NONE

Council concurred to direct staff to provide a summary of Council comments regarding the Plan Bay Area potential project list to Council Member Wysocky for discussion at the next SCTA meeting.

12. WRITTEN COMMUNICATIONS (AND POSSIBLE COUNCIL ACTION) – None

13. ANNOUNCEMENT OF ADDITIONAL CLOSED SESSION ITEM(S), ADJOURNMENT TO CLOSED SESSION(S), RECONVENEMENT TO OPEN SESSION, AND ANNOUNCEMENTS – None

14. PUBLIC COMMENTS ON NON-AGENDA MATTERS – None

15. ADJOURNMENT OF MEETING

Hearing no further business, Mayor Olivares adjourned the meeting at 11:20 p.m. in memory of Mark Adams, member of the Bicycle and Pedestrian Advisory Board. The next regularly scheduled meeting will take place on December 13, 2011, at a time to be set by the Mayor.

Approved on: January 10, 2012

Terri A. Griffin
City Clerk