

**CITY OF HEALDSBURG
CITY COUNCIL/REDEVELOPMENT SUCCESSOR AGENCY
REGULAR MEETING MINUTES**

July 1, 2013

**Healdsburg City Hall Council Chamber
401 Grove Street, Healdsburg**

Present: Councilmembers/: Chambers, McCaffery, Plass, Wood and Mayor Jones
Board Members

Absent: Councilmembers/: None
Board Members

CALL TO ORDER

Mayor/Chairperson Jones called to order the concurrent regular meeting of the City Council and Redevelopment Successor Agency of the City of Healdsburg at [6:01:11 P.M.](#)

APPROVAL OF AGENDA

The agenda was revised to remove New Business item 9E, generator maintenance services.

City Manager Pettus pointed out a correction to the Planning Commission actions, Item 6C, to note that Commissioners Lickey and Engler were appointed to the Marijuana Cultivation Ordinance Ad Hoc Committee.

On a motion by Vice Mayor Wood, seconded by Councilmember Chambers, approved the July 1, 2013 City Council/Redevelopment Successor Agency meeting agenda as revised. The motion carried on a voice vote. (Ayes 5, Noes 0, Absent – None)

APPROVAL OF MINUTES [6:02:42 PM](#)

On a motion by Councilmember Plass, seconded by Councilmember McCaffery, approved the June 10, 2013 special meeting and the June 17, 2013 regular meeting minutes as submitted. The motion carried on a voice vote. (Ayes 5, Noes 0, Absent – None)

RECOGNITION – EMPLOYEE ANNIVERSARIES

Mayor Jones recognized Todd Woolman for 25 years of dedicated service in the Electric Department.

PROCLAMATION – INDEPENDENTS MONTH

Mayor Jones, with Council concurrence, issued a proclamation declaring July 2013 as “Independents Month” and presented the proclamation to Janeen Murray, Sonoma County GO LOCAL Cooperative.

PROCLAMATION – PARKS AND RECREATION MONTH

Mayor Jones, with Council concurrence, issued a proclamation declaring July 2013 as “Parks and Recreation Month” and presented the proclamation to Assistant City Manager Mickaelian.

PRESENTATION – COMMUNITY SERVICES DEPARTMENT [6:12:36 PM](#)

Assistant City Manager Mickaelian gave an overview of the services and programs being provided by the Community Services Department including: adult softball, youth recreational soccer, aquatic programs, before and after school programs, senior citizen programs, Tuesdays Plaza concerts, processing of special event permits, participation in Healthy Healdsburg, park and picnic rentals and community gardens.

PRESENTATION - SINGLE USE CARRYOUT BAG WASTE REDUCTION [6:17:22 PM](#)

Mr. Henry Mikus, Sonoma County Waste Management Agency, introduced Patrick Carter and stated Mr. Carter would be providing an update on the progress to date regarding the draft ordinance banning single use plastic bags.

Mr. Patrick Carter, Sonoma County Waste Management Agency, stated a draft ordinance has been prepared based on public comments received and using other jurisdiction’s successful efforts as a model. Mr. Carter added that an environmental impact report was prepared to analyze the project and the report found there would not be significant negative impacts resulting from the proposed ordinance and that some of the impacts would be beneficial. As proposed, the ordinance would: (1) ban plastic carryout bags at point of sale in all retail establishments in Sonoma County including the incorporated cities; and (2) require retailers to charge a minimum fee of \$.10 per paper bag. The ordinance would not be applicable to restaurants, non-profit charitable reuse entities or produce and meat bags.

Mr. Carter discussed the proposed timeline to adopt and implement the ordinance and asked that Council provide direction to the City’s representative on the Sonoma County Waste Management Agency to vote in favor of this ordinance.

In response to Council’s inquiries, City Manager Pettus stated the matter would be agendaized for the next regular meeting to allow Council to consider all of its options.

COUNCIL REPORTS [6:30:04 PM](#)

Councilmember Plass reported that on June 15-19, 2013 he attended the American Public Power Association national conference in Nashville, on June 25, 2013 he met with Poss Pragoff regarding the newly established California Wine Museum, on June 29, 2013 he attended the steak and eggs fundraiser at the Fire Department, and on June 30, 2013 he attended and participated in the First Annual Car Show benefitting the Healdsburg American Legion Post 111.

Councilmember McCaffery reported that on June 26, 2013 he attended an informational meeting at the airport regarding the proposal to start a flight school and that on June 29, 2013 he attended the steak and eggs fundraiser breakfast at the Fire Department.

Mayor Jones reported that on June 23, 2013 she and City Manager Pettus attended the Patch Adams event at the Senior Living facility, on June 24, 2013 she was the speaker at the Rotary lunch meeting, and on June 29, 2013 attended a town meeting with Supervisor McGuire regarding issues in the City.

CITY MANAGER REPORTS 6:35:19 PM

Update on Animal Care and Control Services – City Manager Pettus reported that the meeting with the Healdsburg Animal Shelter Board will be held either July 8, 2013 or Wednesday, July 10, 2013 at 4:00 P.M.

Chief of Police Burke reported that the animal care and control services transition has gone very smoothly and a draft RFP has been prepared and it is projected that it will be finalized and released prior to the next Council meeting.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

CONSENT CALENDAR 6:37:16 PM

On a motion by Vice Mayor Wood, seconded by Councilmember Chambers, approved the Consent Calendar as follows:

A. MONTHLY INVESTMENT REPORT

By motion, received the monthly Treasurer's Investment Report for May 2013. (Ayes 5, Noes 0, Absent – None)

B. APPROPRIATIONS LIMIT FOR FISCAL YEAR 2013-14

Adopted Resolution No. 70-2013 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG ADJUSTING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2013-14" (Ayes 5, Noes 0, Absent – None)

C. PLANNING COMMISSION ACTIONS

Noted receipt of the Planning Commission actions taken at its June 25, 2013 meeting. (Ayes 5, Noes 0, Absent – None)

The motion to approve the Consent Calendar carried on a roll call vote. (Ayes 5, Noes 0, Absent – None)

PUBLIC HEARINGS

None

OLD BUSINESS

None.

COUNTY WIDE GREENHOUSE GAS REDUCTION IMPLEMENTATION PROGRAM (GRIP) 6:38:24 PM

Ms. Misty Mersich, Regional Climate Protection Authority (RCPA), gave a presentation on Climate Action 2020, a regional program for Sonoma County communities and provided background information on the history of Climate Action in Sonoma County noting that in 2009 the Regional Climate Protection Authority was created through legislative action by all jurisdictions to address greenhouse gas emissions.

Ms. Mersich noted that Climate Action 2020 builds upon the climate protection efforts and goals established in the 2008 Community Action Plan and it is a collaborative effort among all nine cities and the County of Sonoma to take further actions to reduce greenhouse gas emissions community-wide. Ms. Mersich summarized the project goals, scope of work and funding, noting that RCPA had secured a Sustainable Communities Planning Grant from the Strategic Growth Council in the amount of \$1 million. The program will be administered by RCPA but each participating jurisdiction will need to devote some staff time to assist in developing information and conducting public outreach. The grant allocates funding for these purposes and Healdsburg's estimated share is \$35,000 over the two-year implementation term.

In response to Vice Mayor Wood's inquiry, Ms. Mersich stated that part of the project would be to determine if the emission reduction goal of 25% below 1990 levels by 2015 has been met. Discussion ensued regarding how the progress would be tracked and the benefits of the project.

On a motion by Vice Mayor Wood, seconded by Councilmember Chambers, adopted Resolution No. 71-2013 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS REQUIRED TO PARTICIPATE IN THE COUNTY-WIDE GREENHOUSE GAS REDUCTION IMPLEMENTATION PROGRAM." The motion carried on a roll call vote. (Ayes 5, Noes 0, Absent – None)

DISCUSSION - CODE ENFORCEMENT ACTIVITIES 6:53:45 PM

Planning and Building Director Nelson stated the Department enforces the City's Municipal and Building Codes in order to maintain the safety and appearance of the community. Over the past three years there has been an increase in the number of requests to investigate municipal and building code violations. Since enforcement activities involve a commitment of City resources related to staff time and legal service costs, staff is seeking direction from Council regarding code enforcement priorities.

Director Nelson stated a number of complaints received relate to vacation rentals and the associated excessive noise, lack of parking, degradation of residential neighborhood character and conversion of housing stock. Vacation rentals are not permitted in the City except in the Commercial Downtown District subject to a conditional use permit. Staff is seeking direction from Council on whether Council wants to affirm the current policy of investigating vacation rental violations on a complaint only basis; or whether to take proactive enforcement action against both the property owners and owners of local businesses that are involved in vacation rentals that violate the Municipal Code.

Regarding other types of violations, it has been the City's practice to conduct enforcement activities on a complaint only basis rather than on a proactive basis with the exception of life-safety or health related issues such as hazardous or unsanitary conditions. Staff is seeking direction from Council on whether it wants to affirm the current policy and continue to respond to violations on a complaint basis; or whether staff should initiate proactive code enforcement actions on violations and whether to establish enforcement priorities based on violation types.

Discussion ensued regarding how complaints are received, the types of complaints received, the enforcement process followed, the limited success of the downtown self-enforcement process, whether it is desirable to target certain types of violations, and whether it was desirable to revise the code to allow vacation rentals as a way to generate revenue.

Mr. Richard Burke, Sunset Drive, stated he has been a victim of a weekend vacation rental for the past year and a half. The property is listed as a vacation rental on-line and through a local property management agency and its operation is impacting the neighborhood's character. Mr. Burke urged Council to take action to strengthen the regulations and undertake enforcement action to keep this sort of activity from happening.

Mr. Bruce Abramson spoke in support of the proactive code enforcement of vacation rentals and offered suggestions of low cost enforcement actions that could be undertaken by the City.

Ms. Kathleen Bisor spoke in support of vacation rentals and opined the ordinance should be revised to establish set parameters that regulate this activity so that the fabric of the community is maintained.

Mr. Kent Mitchell, as an individual, asked if Council had given consideration to allowing and regulating vacation rentals. Mr. Mitchell opined vacation rentals will continue to operate illegally and it would be in the best interest of the City to allow them, regulate them and collect transient occupancy taxes.

Ms. Mary Burke opined Healdsburg has become a destination because of its character and will continue to be a desirable place to visit only if its character is maintained. The trick is to balance the ability to generate income and be a successful community keeping in mind why people are coming here. Ms. Burke opined that in the long run the City will receive more revenue from property taxes if the character of the community is maintained than the transient occupancy taxes from vacation rentals in the short term which will change the make-up of the community.

Council discussion ensued regarding the unintended consequences of legalizing vacation rentals; the need to maintain the small town character of the community; whether it was desirable to pursue proactive code enforcement activities; how other communities are enforcing similar provisions and the impact on staff to undertake proactive code enforcement.

It was Council's consensus to: (1) affirm the current policy of investigating code violations as complaints are received; (2) direct staff to be more proactive in terms of investigating complaints involving vacation rentals; (3) direct staff to explore how other jurisdictions handle this type of enforcement; (4) estimate the staff time and cost to undertake proactive vacation rental enforcement; and (5) report back to Council within the next eight weeks.

In regards to prioritizing enforcement by violation types, staff will continue to investigate complaints and if a type of complaint escalates, such as the vacation rentals, the matter would be brought back for Council consideration.

PROFESSIONAL SERVICES AGREEMENT – WALKER PARKING CONSULTANTS **7:52:16 PM**

Planning and Building Director Nelson reviewed the proposed professional services agreement with Walker Parking Consultants to prepare a parking study including exploring an in lieu fee parking fee option to provide revenue needed to establish and maintain public parking facilities.

On a motion by Councilmember Chambers, seconded by Councilmember McCaffery, adopted Resolution No. 72-2013 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH WALKER PARKING CONSULTANTS TO PREPARE A PARKING AND IN LIEU FEE DETERMINATION STUDY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY." The motion carried on a roll call vote. (Ayes 5, Noes 0, Absent – None)

BID AWARD - VINTAGE HILL STORM DRAIN REHABILITATION PROJECT

7:56:53 PM

Councilmember Chambers declared conflict of interest because of real property ownership in the vicinity and abstained from participating and/or voting on this item. Councilmember Chambers left the Council Chamber at this time.

Electric Director Crowley reported the existing storm drain to be rehabilitated was constructed of corrugated metal pipe as part of the Vintage Hills Subdivision in 1979. Bids were received by the deadline of May 30, 2013 from RePipe California, Inc. (RePipe) in the amount of \$199,162 and Miksis Services, Inc. (Miksis) in the amount of \$205,546. The apparent low bidder, RePipe, failed to identify a substitution of materials which prompted a protest from Miksis. Staff recommends Council find RePipe's bid as non-responsive and award the bid to Miksis. Staff is also requesting Council approve a project construction budget in the amount of \$257,000 which includes a 10% contingency and \$31,000 for inspection services during this contract.

On a motion by Councilmember McCaffery, seconded by Councilmember Plass, adopted Resolution No. 73-2013 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG APPROVING AN APPROPRIATION, ACCEPTING THE BID OF MIKSIS SERVICES, INC. AS THE LOWEST RESPONSIVE BID, CONDITIONALLY AWARDED MIKSIS SERVICES, INC. THE CONTRACT FOR CONSTRUCTION OF VINTAGE HILLS STORM DRAIN REHABILITATION PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE PROJECT CONTRACT ON BEHALF OF THE CITY OF HEALDSBURG.". The motion carried on a roll call vote with Councilmember Chambers abstaining. (Ayes 4, Noes 0, Abstaining – Chambers)

Councilmember Chambers returned to the Council Chamber at this time.

PROFESSIONAL SERVICES AGREEMENT – PETERSON POWER SYSTEMS

This item was removed from the agenda.

ADOPTION OF THE FY 2013-14 BUDGET AND CAPITAL IMPROVEMENT PROGRAM 8:00:48 PM

Administrative Services Director Hayes stated that before Council, for its consideration, are resolutions adopting the FY 2013-14 Operating Budget, adopting the FY 2013-14 Capital Improvement Program, and establishing the list of authorized positions.

Director Hayes summarized the following noteworthy changes to the General Fund budget:

- City Manager's Office:
 - Professional Services include:
 - a) Classification and Compensation Study - \$60,000
 - b) IIPP Updates and Safety Training - \$10,000
 - d) Strategic Planning - \$25,000
- Planning and Building:
 - Addition of a Building Inspector position and a Project Planner position
- Police:
 - Restoration of one (1) police officer position
 - A Capital Improvement project for the Mobile RIMS to add reporting capability in the police units
- Fire:
 - Partial funding for a seasonal Firefighter during high fire danger periods
 - Personal protective equipment increased to meet current demands and established an annual set-aside for future purchases

The contingency and recession reserves for the General Fund remain fully funded and the General Fund deficit for FY 2013-14 will be funded by drawing down the unrestricted fund balance in the General Fund. The Capital Improvement Program was reviewed by the Planning Commission and found it to be consistent with the City's General Plan

In response to Councilmember Plass' inquiry, Director Hayes stated that Police Department budget did include a part-time Parking Enforcement Officer.

On a motion by Councilmember Plass, seconded by Councilmember McCaffery adopted Resolution No. 74-2013 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG ADOPTING THE BUDGET FOR FISCAL YEAR 2013-14." The motion carried on a roll call vote. (Ayes 5, Noes 0, Absent – None)

On a motion by Vice Mayor Wood, seconded by Councilmember Chambers, adopted Resolution No. 75-2013 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG ADOPTING THE FY 2013-14 CAPITAL IMPROVEMENT PROGRAM." The motion carried on a roll call vote. (Ayes 5, Noes 0, Absent – None)

On a motion by Councilmember Chambers, seconded by Councilmember McCaffery, adopted Resolution No. 76-203 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG RESCINDING RESOLUTION NO. 67-2012 AND REESTABLISHING THE LIST OF AUTHORIZED POSITIONS." The motion carried on a roll call vote. (Ayes 5, Noes 0, Absent – None)

CLOSED SESSION [8:08:48 PM](#)

The City Council recessed to the conference room to meet in closed session to discuss the following:

- A. Conference with Legal Counsel regarding threatened litigation pursuant to Government Code Section 54956.9(b): One (1) case

No action was taken during or following the closed session only direction was given to legal counsel.

ADJOURNMENT

There being no other City Council business to discuss, the meeting was adjourned at approximately 8:40 P.M.

APPROVED:

ATTEST:

Susan E. Jones, Mayor

Maria Curiel, City Clerk