



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

City Hall Council Chamber
401 Grove Street
Healdsburg, CA 95448
(707) 431-3317

Meeting Date: January 3, 2017
Time: 6:00 PM
Date Posted: December 29, 2016

1. CALL TO ORDER/ROLL CALL

A. Pledge of Allegiance

B. Approval of Agenda

C. Approval of Minutes – December 19, 2016 Concurrent Meeting of the City Council, Redevelopment Successor Agency, and Healdsburg Public Financing Authority

2. ANNOUNCEMENTS/PRESENTATIONS

None.

3. COUNCIL REPORTS ON MATTERS OF INTEREST OCCURRING SINCE PREVIOUS REGULAR MEETING/EXPENSE REIMBURSEMENT REPORTS

4. CITY MANAGER REPORTS

5. PUBLIC COMMENTS ON NON AGENDA ITEMS

This time is set aside to receive comments from the public regarding matters of general interest not on the agenda, but related to City Council/RSA business. Pursuant to the Brown Act, however, the City Council cannot consider any issues or take action on any requests during this comment period. Speakers are encouraged to limit their comments to 3 minutes maximum so that all speakers have an opportunity to address the City Council/RSA Board. Members from the public wishing to speak on a Consent Agenda item should notify the Mayor during Public Comments.

6. CONSENT CALENDAR

The following items listed on the Consent Calendar are considered routine and action will be taken by the City Council by a single motion. A Councilmember, staff or the public may request that an item be removed from the Consent Calendar and action taken separately. In the event an item is removed, it may be considered as the first scheduled item in the agenda under Old or New Business.

A. Purchase a Service Utility Truck

Adopt a resolution approving the purchase of a Service Utility Truck in an amount not to exceed \$70,990, and increasing appropriations by \$27,405, which includes a 5% contingency of \$3,550 to cover other costs

B. Income-Qualified Residential Direct Install Energy Efficiency and Water Conservation Program

Adopt a resolution approving a professional services agreement with Efficiency Services Groups to provide Income-Qualified Residential Direct Install Program for a not to exceed amount of \$125,000 and authorizing the City Manager to execute the Agreement on the City's behalf

7. PUBLIC HEARINGS

A. Extension of Interim Ordinance 1155 and Interim Ordinance 1156 in Response to Voter Adoption of Proposition 64, The Control, Regulate and Tax Adult Use of Marijuana Act

Hold public hearing and adopt interim ordinances to extend the moratoria up to an additional ten months and 15 days

8. OLD BUSINESS

A. Appointment to Vacant City Council Seat

Consider the options to fill the City Council vacancy and make an appointment to fulfill former Councilmember Ziedrich's term that will expire December 2018

B. Measure V Survey

By motion, approve the proposed Measure V Survey

9. NEW BUSINESS

A. Appointments of Councilmembers to various Boards and Commissions for 2017

Assign Councilmember appointments to the various Boards and Commissions for 2017

B. Update on the vacancies on the Parks and Recreation, Senior Citizen Advisory, Transportation Advisory Commissions and Community Housing Committee

(1) Discuss the composition of the Council Subcommittees and provide direction to staff; and (2) by motion, appoint Council Subcommittees to interview the applicants for the Community Housing Committee, Parks and Recreation Commission, Transportation Advisory Commission and Senior Citizens Advisory Commission

10. WRITTEN COMMUNICATIONS

None.

11. CLOSED SESSIONS

None.

12. ADJOURN CITY COUNCIL / RSA MEETING

SB 343 - DOCUMENTS RELATED TO OPEN SESSION AGENDAS: *Any writings or documents provided to a majority of the City Council/Redevelopment Successor Agency Board regarding any item on this agenda after the posting of this agenda and not otherwise exempt from disclosure, will be made available for public review in the City Clerk's Office located at City Hall, 401 Grove Street, Healdsburg, during normal business hours. If supplemental materials are made available to the members of the City Council/Redevelopment Successor Agency Board at the meeting, a copy will be available for public review at the City Hall Council Chambers, 401 Grove Street, Healdsburg, CA 95448.*

These writings will be made available in appropriate alternative formats upon request by a person with a disability, as required by the Americans with Disabilities Act.

DISABLED ACCOMMODATIONS: *The City of Healdsburg will make reasonable accommodations for persons having special needs due to disabilities. Please contact Maria Curiel, City Clerk, at Healdsburg City Hall, 401 Grove Street, Healdsburg, California, 431-3317, at least 72 hours prior to the meeting, to ensure the necessary accommodations are made.*

**CITY OF HEALDSBURG
CITY COUNCIL, REDEVELOPMENT SUCCESSOR AGENCY
AND PUBLIC FINANCING AUTHORITY
REGULAR MINUTES
December 19, 2016
City Hall Council Chamber
401 Grove Street, Healdsburg**

CALL TO ORDER/ROLL CALL

Mayor/Chairperson Chambers called to order the concurrent meeting of the City Council, Redevelopment Successor Agency and Healdsburg Public Financing Authority of the City of Healdsburg at 6:00 P.M. with the following Councilmembers present:

Present: Councilmembers/: Mansell, McCaffery, Plass, Ziedrich and Mayor Chambers
Board Members

Absent: Councilmembers/: None
Board Members

APPROVAL OF AGENDA

On a motion by Councilmember Ziedrich, seconded by Vice Mayor Plass, approved the December 19, 2016 City Council, Redevelopment Successor Agency and Public Financing Authority meeting agenda as submitted. The motion carried on a unanimous voice vote. (Ayes 5, Noes 0, Absent -None)

APPROVAL OF MINUTES

On a motion by Councilmember McCaffery, seconded by Councilmember Ziedrich, approved the December 2, 2016 Special Meeting and the December 5, 2016 special and regular meeting minutes as submitted. The motion carried on a voice vote. (Ayes 5, Noes 0, Absent -None)

ANNOUNCEMENTS/PRESENTATIONS

None.

**COUNCIL REPORTS ON MATTERS OF INTEREST OCCURRING SINCE PREVIOUS
REGULAR MEETING/EXPENSE REIMBURSEMENT REPORTS**

Councilmember McCaffery reported he attended the last meeting of 2016 of the Marin Sonoma Mosquito and Vector Control District Board.

City Council/RSA/HPFA Meeting Minutes
December 19, 2016
Page 2

Councilmember Mansell reported she met with the newly elected Councilmembers and that she received correspondence from Jon Worden regarding the future of the Community Housing Committee and e-mails regarding the Fitch Mountain open space. Councilmember Mansell further reported that she got a call from Theresa Lions from the Sierra Club regarding the City's commitment to the Sonoma County Regional Climate Protection Authority.

Mayor Chambers reported he attended his last meeting of the Sonoma County Transportation Authority and the Sonoma County Regional Climate Protection Authority.

CITY MANAGER REPORTS

None.

PUBLIC COMMENTS ON NON AGENDA ITEMS

Janelle Borges read a statement on behalf of her husband Mike Borges regarding Vice Mayor Plass' character, commitment to the community and ability to serve and represent the community's interests.

Larry Smith addressed Council regarding the open seat on the Council and asked that the Council consider carefully how it is going to fill the seat. He suggested the Council offer choices to the community and either hold a special election or open it up to the community.

Dave Henderson, representing the Fitch Mountain Association, addressed the Council about the planning of the Fitch Mountain preserve and spoke against adding a second park improvement area at the summit of the mountain, which would allow very large group activities. He added his group had been working with staff to express their views and requested an additional public meeting at the beginning of the year to allow the community to provide additional input.

PJ Lenz thanked the Council for all the work they do and how much they have done for the City. She wished the new Council best of luck.

Jenny Levine Smith spoke about the vacant Council seat and urged Council not to appoint the 4th highest vote getter (Councilmember Plass) and urged the Council to open up the process to the community.

Mayor Chambers stated it had been a pleasure to serve on the Council and thanked the citizens, staff and his fellow Councilmembers past and present. He added he felt very fortunate to be part of this community and noted that everybody in the Council and staff had the best interests of the community in mind and wanted to do what is right for Healdsburg.

CONSENT CALENDAR

Vice Mayor Plass pulled Item D, Moore Lane Sanitary Sewer Project, for discussion.

Councilmember Ziedrich abstained from voting on the check disbursement report.

On a motion by Councilmember Ziedrich, seconded by Councilmember Mansell, approved the revised Consent Calendar as follows:

A. CHECK DISBURSEMENT REPORT FOR CHECKS ISSUED NOVEMBER 2016

By motion, approved the check disbursement report for November 2016. (Ayes 4, Noes 0, Absent – None, Abstaining – Ziedrich)

B. RECEIVE THE MONTHLY INVESTMENT REPORT FOR SEPTEMBER 2016

By motion, noted receipt of the monthly Treasurer's Investment Report for September 2016. (Ayes 5, Noes 0, Absent – None)

C. MASTER FEE SCHEDULE UPDATE

Adopted Resolution No. 127-2016 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG ESTABLISHING THE AMOUNT OF USER FEES FOR MISCELLANEOUS DISCRETIONARY SERVICES, AND REPEALING PREVIOUSLY ADOPTED USER FEES FOR SUCH SERVICES." (Ayes 5, Noes 0, Absent – None)

D. 2016 MOORE LANE SANITARY SEWER PROJECT - BID AWARD

This item was removed from the Consent Calendar for discussion.

E. AMENDMENT TO AGREEMENT WITH WINTER AND COMPANY

Adopted Resolution No. 128-2016 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG AMENDING A PROFESSIONAL SERVICES AGREEMENT WITH WINTER AND COMPANY TO PREPARE A COMPREHENSIVE UPDATE TO THE DESIGN GUIDELINES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY." (Ayes 5, Noes 0, Absent – None)

F. ADOPTION OF ORDINANCE NO. 1159 – ACCESSORY DWELLING UNITS

Adopted, upon second reading, Ordinance No. 1159, entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG AMENDING HEALDSBURG MUNICIPAL CODE SECTION 20.20.010: SECONDARY DWELLING UNITS AND SECTION 20.28.310: DEFINITIONS AND RELATED MUNICIPAL CODE PROVISIONS REGULATING CONSTRUCTION OF ACCESSORY RESIDENTIAL DWELLING UNITS ON SINGLE FAMILY RESIDENTIALLY DEVELOPED LOTS AND APPROVING A RELATED CEQA EXEMPTION FOR THE MUNICIPAL CODE (ZONING) AMENDMENT PROJECT," by title only and waiving further reading of the text. (Ayes 5, Noes 0, Absent – None)

G. REPORT PURSUANT TO GOVERNMENT CODE SECTION 65858(D) DISCUSSING MEASURES TAKEN SINCE ADOPTION OF THE MARIJUANA CULTIVATION INTERIM ORDINANCES ON NOVEMBER 21, 2016

By motion, issued a report on the measures taken since the adoption of the Marijuana Cultivation Interim ordinances and directed the City Clerk to post the status report in a public place at City Hall and on the City's website. (Ayes 5, Noes 0, Absent – None)

The motion to approve the Consent Calendar as revised carried on a roll call vote with Councilmember Ziedrich abstaining on Item A as noted above. (Ayes 5, Noes 0, Absent – None, Abstaining – as noted above)

2016 MOORE LANE SANITARY SEWER PROJECT BID AWARD

Public Works Director Salmi gave an overview of the Moore Lane Sanitary Sewer Project noting that with this project a lift station is being removed.

On a motion by Vice Mayor Plass, seconded by Councilmember Ziedrich, adopted Resolution No. 129-2016 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG CONDITIONALLY AWARDED THE BID FOR THE 2016 MOORE LANE SANITARY SEWER PROJECT TO ARGONAUT CONSTRUCTORS, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT FOR THE NOT TO EXCEED AMOUNT OF \$288,959." The motion carried on a unanimous roll call vote. (Ayes 5, Noes 0, Absent – None)

PUBLIC HEARINGS

None.

OLD BUSINESS

None.

NEW BUSINESS - PURCHASE AND SALE AGREEMENT FOR THE PURCHASE OF PROPERTY LOCATED AT 721-723 CENTER STREET

Community Housing and Development Director Massey reviewed the terms and conditions of the proposed Purchase and Sale Agreement for the acquisition of property located at 721-723 Center Street in an amount not to exceed \$1,815,000. Acquisition of the property aligns with the goals of the City Council and will prevent displacement of 8 lower income families and the loss of affordable rental units at risk of conversion to market rate or demolition; preserve and rehabilitate 8 affordable rental units and increase the affordable housing stock in the community.

Director Massey added that upon purchase, the City would retain Burbank Housing to manage the units and work with the existing tenants to keep them affordable. The proposed resolution also approves a Memorandum of Understanding with Burbank Housing for the rehabilitation, management and maintenance of the property for the subsequent development of a long-term ground lease.

Discussion ensued regarding the additional due diligence inspections that would be undertaken and services that would be provided by Burbank Housing.

Mark Krug, Burbank Housing, discussed Burbank's experience in managing affordable housing projects in Sonoma County and thanked the Council for acquiring the units which would preserve the affordable units for the 8 households.

Eric Drew, on behalf of the property owners, thanked the Council for purchasing the property.

Mel Amato spoke in support of the acquisition and opined it is a worthwhile step of the City's goals at increasing affordable housing. He emphasized that the funds for the purchase are not raising taxes nor are they coming out of the General or Operating Funds. The funds being used are earmarked for affordable housing.

On a motion by Councilmember Mansell, seconded by Councilmember Ziedrich adopted Resolution No. 130-2016 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG APPROVING A PURCHASE AND SALE AGREEMENT FOR THE PURCHASE OF PROPERTY LOCATED AT 721-723 CENTER STREET (APN 002-042-016) IN AN AMOUNT NOT TO EXCEED \$1,815,000, APPROVING A MEMORANDUM OF UNDERSTANDING WITH BURBANK HOUSING DEVELOPMENT CORPORATION FOR THE REHABILITATION AND MANAGEMENT OF THE PROPERTY, AUTHORIZING

THE CITY MANAGER TO EXECUTE THE AGREEMENTS AND INCREASING APPROPRIATIONS BY \$1,827,000 TO PURCHASE THE PROPERTY AND UNDERTAKE DUE DILIGENCE INSPECTIONS.” The motion carried on a unanimous roll call vote. (Ayes 5, Noes 0, Absent – None)

NEW BUSINESS - CITY HALL ADDITION AND RENOVATION PROJECT

Assistant City Manager Ippoliti stated before Council is: (1) the award of a bid for the City Hall Renovation and Addition Project to Carr’s Construction Service, Inc. in an amount not to exceed \$4,675,704; and (2) an agreement with Portola Systems, Inc in an amount not to exceed \$243,530 for services primarily related to the City Hall reconstruction, staff relocation, network enhancements and server room relocation.

Assistant City Manager Ippoliti discussed the project objectives, including: moving staff from the Community Development Center (CDC) substandard conditions and elimination of the lease cost. The proposed project includes a 9,200 square foot interior remodel and 4,300 square foot addition.

Assistant City Manager Ippoliti discussed the bid solicitation process noting that out of six bids received, Carr’s Construction Services, Inc. was the lowest apparent responsive bidder with a base bid of \$4,564,704. Ms. Ippoliti informed Council that a bid protest was received from the second lowest bidder and that after reviewed by the City Attorney it was determined that Carr’s intention to hire qualified and experienced sheet metal workers as employees constitutes permitted self-performance in compliance with the Project specifications and that the brand Tremco was merely a design guideline and Carr’s can use another manufacturer that meets the performance criteria outlined.

Discussion ensued regarding the services that would be provided by Portola Systems, Inc. and the construction timeline.

There were no public comments regarding the proposal before Council.

Councilmember McCaffery stated the proposed City Hall addition and alteration project makes sense.

Vice Mayor Plass stated the relocation of employees from the Corporation Yard to the CDC was never intended to be long term and that he was supportive of the proposed project.

Councilmember Mansell expressed concern regarding approving the project at the end of the year by the old Council and her reservations about the big expenditure. However, she agreed that something needed to be done especially in the Council Chamber.

City Council/RSA/HPFA Meeting Minutes
 December 19, 2016
 Page 7

Councilmember Ziedrich concurred that the cost was substantial; however, the remodeling and reconstruction is needed to utilize the space efficiently and deferral of the project would only increase the cost.

Councilmember McCaffery recalled that the community wants City Hall downtown and there are limited options of what can be done at this location. The proposed remodel and addition is the best option.

Mayor Chambers stated it is large sum of money, however, the longer we wait the more the project will cost. Mayor Chambers added that the Council looked at a lot of solutions and the proposed project is the best option.

On a motion by Councilmember Ziedrich, seconded by Councilmember Plass, adopted Resolution No. 131-2016 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG AWARDING THE CONTRACT FOR THE CONSTRUCTION OF THE CITY HALL ADDITION AND ALTERATION PROJECT TO CARR’S CONSTRUCTION SERVICE, INC. IN AN AMOUNT NOT TO EXCEED \$4,675,704; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONSTRUCTION CONTRACT AND RELATED CHANGE ORDERS; APPROVING A 10% CONTRACT CONTINGENCY IN THE AMOUNT OF \$457,237 AND INCREASING APPROPRIATIONS TO COVER THE COST OF THE PROJECT IN WHOLE.” The motion carried on a unanimous roll call vote. (Ayes 5, Noes 0, Absent – None)

On a motion by Councilmember Ziedrich, seconded by Councilmember McCaffery, adopted Resolution No. 132-2016 entitled, “RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG AWARDING AN AGREEMENT FOR INFORMATION TECHNOLOGY SUPPORT SERVICES DURING THE RENOVATION OF THE CITY HALL TO PORTOLA SYSTEMS, INC. IN AN AMOUNT OF \$243,530 AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT.” The motion carried on a unanimous roll call vote. (Ayes 5, Noes 0, Absent – None)

NEW BUSINESS - LEGAL SERVICES AGREEMENT AND APPOINTMENT OF CITY ATTORNEY

City Manager Mickaelian noted for the record that this agenda item would be considered concurrently by the City Council, Redevelopment Successor Agency and Healdsburg Public Financing Authority.

City Manager Mickaelian stated that since 1989 the City has received legal services from Meyers Nave and that following best business practices the City issued a Request for Proposals for legal

City Council/RSA/HPFA Meeting Minutes
December 19, 2016
Page 8

services. Following review of the proposals and interviews of the firms by the City Council, on a 5-0 vote, the Council selected the firm of Burk Williams and Sorensen.

City Manager Mickaelian noted that before Council are two actions: approval of legal services agreement and appointment of the City Attorney. The same actions are recommended for the Redevelopment Successor Agency and Healdsburg Public Financing Authority.

Councilmembers individually thanked City Attorney Donoghue and the firm of Meyers Nave for all their years of service, guidance and support.

City Attorney Donoghue thanked Council and staff for the opportunity to work with the City of Healdsburg and commented that the City will be well served by Burke Williams and Sorensen.

As the City Council, on a motion by Vice Mayor Plass, seconded by Councilmember Mansell, adopted Resolution No. 133-2016 entitled “RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG APPROVING AN AGREEMENT BETWEEN THE CITY OF HEALDSBURG AND BURKE, WILLIAMS & SORENSON LLP FOR THE PROVISION OF LEGAL SERVICES, APPOINTING MS. SAMANTHA ZUTLER AS CITY ATTORNEY AND MR. BENJAMIN STOCK AS ASSISTANT CITY ATTORNEY AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT.” The motion carried on unanimous roll call vote. (Ayes 5, Noes 0, Absent – None)

As the Healdsburg Public Financing Authority, on a motion by Board Member Mansell, seconded by Board Member Ziedrich, adopted Resolution No. HPFA1-2016 entitled, “RESOLUTION OF THE BOARD OF THE HEALDSBURG PUBLIC FINANCING AUTHORITY APPROVING AN AGREEMENT BETWEEN THE CITY OF HEALDSBURG AND BURKE, WILLIAMS & SORENSON LLP FOR THE PROVISION OF LEGAL SERVICES, APPOINTING MS. SAMANTHA ZUTLER AS LEGAL COUNSEL AND MR. BENJAMIN STOCK AS ASSISTANT LEGAL COUNSEL AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT,” The motion carried on a unanimous roll call vote. (Ayes 5, Noes 0, Absent – None)

As the Redevelopment Successor Agency of the City of Healdsburg, on a motion by Board Member McCaffery, seconded by Board Member Ziedrich, adopted Resolution No. RSA1-2016 entitled, “RESOLUTION OF THE BOARD OF THE REDEVELOPMENT SUCCESSOR AGENCY OF THE CITY OF HEALDSBURG APPROVING AN AGREEMENT BETWEEN THE CITY OF HEALDSBURG AND BURKE, WILLIAMS & SORENSON LLP FOR THE PROVISION OF LEGAL SERVICES, APPOINTING MS. SAMANTHA ZUTLER AS LEGAL COUNSEL AND MR. BENJAMIN STOCK AS ASSISTANT LEGAL COUNSEL AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT,” The motion carried on a unanimous roll call vote. (Ayes 5, Noes 0, Absent – None)

NEW BUSINESS - CANVASS OF 2016 MUNICIPAL ELECTION RESULTS

City Clerk Curiel reported the certified results of the November 8, 2016 General Municipal Election had been received from the Sonoma County Registrar's Office and noted for the record that the results of the election were as follows:

CITY COUNCILMEMBER - 4 YEAR TERM (THREE SEATS)

PRECINCT	Joe Naujokas	David Hagele	Mel Amato	Gary W. Plass	Tim Meinken	Shaun F. McCaffery
4401	155	167	106	139	134	150
4401 VBM*	344	468	318	434	386	509
4402	188	127	101	124	117	189
4402 – VBM*	513	479	399	506	433	632
4406	116	114	65	115	92	140
4406 – VBM*	315	400	252	304	339	395
4407	0	0	0	0	0	0
4407 – VBM*	0	0	0	0	0	0
7452	149	134	110	125	118	181
7452 VBM*	439	452	363	452	424	601
Precinct Totals	608	542	382	503	461	660
VBM* Totals	1,611	1,799	1,332	1,696	1,582	2,137
GRAND TOTALS	2,219	2,341	1,714	2,199	2,043	2,797

*VBM – Vote By Mail

The grand total of votes (ballots) cast in the City of Healdsburg on November 8, 2016 for the City Councilmember race was 5,973.

MEASURE R – GROWTH MANAGEMENT ORDINANCE AMENDMENT

PRECINCT	Yes	No
4401	142	229
4401 VBM*	396	646
4402	168	230
4402 – VBM*	499	700
4406	153	142
4406 – VBM*	356	509
4407	0	0
4407 – VBM*	0	0
7452	147	201
7452 VBM*	443	705
Precinct Totals	610	802
VBM* Totals	1,694	2,560
GRAND TOTALS	2,304	3,362

City Council/RSA/HPFA Meeting Minutes
 December 19, 2016
 Page 10

The grand total of votes (ballots) cast in the City of Healdsburg on November 8, 2016 for Measure R was 5,948 .

MEASURE S – TOT INCREASE FOR AFFORDABLE HOUSING

PRECINCT	Yes	No
4401	229	130
4401 VBM*	648	381
4402	290	108
4402 – VBM*	834	353
4406	217	71
4406 – VBM*	579	272
4407	0	0
4407 – VBM*	0	0
7452	238	105
7452 VBM*	779	340
Precinct Totals	974	414
VBM* Totals	2,840	1,346
GRAND TOTALS	3,814	1,760

The grand total of votes (ballots) cast in the City of Healdsburg on November 8, 2016 for Measure S was 5,948.

MEASURE T – MORATORIUM ON FLUORIDATION

PRECINCT	Yes	No
4401	164	204
4401 VBM*	395	643
4402	172	227
4402 – VBM*	482	725
4406	142	152
4406 – VBM*	438	434
4407	0	0
4407 – VBM*	0	0
7452	156	191
7452 VBM*	484	647
Precinct Totals	634	774
VBM* Totals	1,799	2,449
GRAND TOTALS	2,433	3,223

The Grand Total of votes (ballots) cast in the City of Healdsburg on November 8, 2016 for Measure s was 5,948.

City Clerk Curiel noted for the record that Shaun McCaffery, David Hagele and Joe Naujokas had been elected to the City Council for the full term of four years. City Clerk Curiel further noted that:

- Measure R, Growth Management Ordinance Amendment had been defeated
- Measure S, Transient Occupancy Tax increase for affordable housing, was approved by the required 2/3 votes and that Ordinance No. 1160 was approved by the voters; and
- Measure T, Moratorium on Fluoridation, was defeated.

On a motion by Councilmember Plass, seconded by Councilmember Chambers, adopted Resolution No. 134-2016, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 8, 2016, DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW." The motion carried on a unanimous roll call vote. (Ayes 5, Noes 0, Absent – None)

City Clerk Curiel administered the oath of office to newly elected Councilmembers Shaun McCaffery, David Hagele and Joe Naujokas.

Shaun McCaffery, David Hagele, and Joe Naujokas took their seats on the Council dais.

Councilmembers congratulated and welcomed newly elected Councilmembers Hagele and Naujokas.

Acting Mayor McCaffery, on behalf of the City Council and the City of Healdsburg, presented plaques of appreciation to outgoing Councilmembers Gary Plass and Tom Chambers for their service to the City of Healdsburg and its residents.

SELECTION OF MAYOR AND VICE MAYOR

On a motion by Councilmember Naujokas, seconded by Councilmember Mansell, nominated Shaun McCaffery for Mayor. The motion carried on a unanimous voice vote. (Ayes 5, Noes 0, Absent – None)

On a motion by Councilmember Naujokas, seconded by Councilmember Ziedrich, nominated Councilmember Mansell for Vice Mayor. The motion carried on a unanimous voice vote. (Ayes 5, Noes 0, Absent – None)

NEW BUSINESS - 2017 CITY COUNCIL MEETING SCHEDULE

City Manager Mickaelian reviewed the proposed 2017 City Council meeting schedule noting that it is proposed that the regular meetings that fall on a holiday be rescheduled to the next day and that both meetings in July be cancelled in order to allow sufficient time for the improvements to the Council Chamber to take place. In the event that action needs to be taken on the any of the labor contracts, the Council could call a special meeting.

On a motion by Councilmember Ziedrich, seconded by Vice Mayor Mansell, approved the 2017 meeting schedule as proposed. The motion carried on a unanimous voice vote. (Ayes 5, Noes 0, Absent – None)

NEW BUSINESS - APPOINTMENTS OF COUNCILMEMBERS TO VARIOUS BOARDS AND COMMISSIONS FOR 2017

City Manager Mickaelian suggested that the Council postpone action on this item until such time as the City Council vacancy is filled.

Vice Mayor Mansell requested that staff provide additional information regarding each of the boards and commissions regarding the meeting schedule, time commitments, etc.

Councilmember Hagele asked that all the acronyms be spelled out for the benefit of the new Councilmembers.

It was Council's consensus to continue the subject matter as suggested by City Manager Mickaelian.

NEW BUSINESS - UPDATE ON COMMISSION VACANCIES

City Manager Mickaelian suggested that the Council also postpone action on this item until such time as the City Council vacancy is filled. City Manager Mickaelian also recommended that the deadline to submit applications be extended.

Vice Mayor Mansell expressed interest in including more than two Councilmembers on the Council Subcommittees to interview applicants.

Discussion ensued regarding the composition of the Council Subcommittees.

It was Council's consensus to continue the subject matter as suggested by City Manager Mickaelian including discussion regarding the Council Subcommittee composition and to extend the deadline to January 3, 2017 at 4:00 P.M.

City Council/RSA/HPFA Meeting Minutes
 December 19, 2016
 Page 13

NEW BUSINESS - APPOINTMENTS OF THE CITY SELECTION COMMITTEE AND MAYORS' AND COUNCILMEMBERS' ASSOCIATION

City Clerk Curiel noted this was an information item only and that if Councilmembers were interested in any of the vacancies the deadline to submit letters of interest was December 29, 2016.

No action was taken on this item.

WRITTEN COMMUNICATIONS

The City Council received the report on the Transportation Advisory Commission actions taken at its December 1, 2016 meeting, the Community Housing Committee actions taken at its December 12, 2016 meeting and the Planning Commission actions taken at its December 13, 2016.

CLOSED SESSIONS

None.

ADJOURNMENT

Mayor McCaffery presented Councilmember Ziedrich with a plaque of appreciation since this would be his last Council meeting.

There being no other business to discuss, on a motion by Councilmember Hagele, seconded by Councilmember Naujokas, adjourned the meeting at approximately 7:57 P.M.

APPROVED:

ATTEST:

 Shaun F. McCaffery, Mayor

 Maria Curiel, City Clerk

Minutes Acceptance: Minutes of Dec 19, 2016 6:00 PM (Approval of Minutes)



**CITY OF HEALDSBURG
CITY COUNCIL AGENDA STAFF REPORT**

MEETING DATE: January 3, 2017

SUBJECT: Purchase a Service Utility Truck

PREPARED BY: Tina Lindenberg, Administrative Services Manager

STRATEGIC INITIATIVE(S):
Infrastructure & Facilities

RECOMMENDED ACTION(S):

Adopt a resolution approving the purchase of a Service Utility Truck in an amount not to exceed \$70,990, and increasing appropriations by \$27,405, which includes a 5% contingency of \$3,550 to cover other costs

BACKGROUND:

In 2003 the City purchased a 2-ton Ford F350 utility truck to be used for the maintenance of the electric distribution system. The Utilities Department currently has two foremen; one of them uses this vehicle on a daily basis. This is not just a vehicle to go from one place to another. This vehicle serves as a tool to the crews. This truck has served the City for thirteen years and as a result the service and repair intervals have been increasing, therefore with the fiscal year 2016-17 budget Staff requested the truck be replaced.

DISCUSSION/ANALYSIS:

Staff requested bids from multiple Ford dealerships for the purchase of the truck. Two bids were received from Towne Ford of Redwood City in the amount of \$70,994.54 and Hansel Ford of Santa Rosa in an amount of \$73,650.56. The bidding process was in accordance with the Healdsburg Municipal Code. Staff is also asking for a contingency amount in order to outfit the vehicle with lights, radio, etc.

A resolution will come to Council requesting approval to surplus Truck #240, the existing Ford F350, once the new truck is placed in the service.

ALTERNATIVES:

As an alternative, the City Council could direct staff to delay the purchase or ask staff to reject the bid and rebid the truck. This alternative is not recommended, as the replacement price is not expected to decrease and would not result in a net savings to the City.

FISCAL IMPACT:

The appropriation of \$47,139 approved by Council with the adoption of the fiscal year 2016-17 budget, was based on the 2003 purchase of the same vehicle. The bid received exceeds the approved budget amount. In addition to the bid price, staff is requesting the Council approve an estimated contingency of \$3,550 for items such as lights and radio equipment not included in the original bid specification.

The total increase in appropriations from the Vehicle Service Fund is \$27,405. There are funds set aside in the Vehicle Service Fund for the Utilities Department for this purpose. There will be no impact to the operation funds as a result of the proposed increase in appropriations.

ENVIRONMENTAL ANALYSIS:

Pursuant to California Environmental Quality Act (“CEQA”) and Title 14, the California Code of Regulations, Section 15378 (b)(2), continue administrative actions do not qualify as a Project. Therefore no further CEQA or environmental review is required.

ATTACHMENT(S):

Bid Summary
Resolution

Purchase of a 2017 Ford F350 XL, 4x4, Cab and Chassis, Regular Cab, 145" wheelbase, 60"CA W/Utility Body Bid Opening December 19, 2016 at Noon		Towne Ford Sales 1601 El Camino Real Redwood City, CA 94063	Hansel Ford 3075 Corby Avenue Santa Rosa, CA 95407
Description			
1	Purchase of a 2017 Ford F350 XL, 4x4, Cab and Chassis, Regular Cab, 145" wheelbase, 60"CA W/Utility Body	\$65,269.00	\$67,715.00
2	Sales Tax 8.75%	\$5,711.04	\$5,925.06
3	Delivery Charges Cal Tire Tax	\$10.50	\$10.50
Total Sale Price		\$70,990.54	\$73,650.56

Attachment: Bid Summary (1448 : Purchase of a utility truck)

CITY OF HEALDSBURG
RESOLUTION NO. ____-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG APPROVING THE PURCHASE OF A SERVICE UTILITY TRUCK IN AN AMOUNT NOT TO EXCEED \$70,990, AND INCREASING APPROPRIATIONS BY \$27,405

WHEREAS, the Utilities Department would like to surplus a 2003 Ford Light Duty Truck with service body; and

WHEREAS, staff requested bids from Ford dealerships for the purchase of the truck; and

WHEREAS, two bids were received from Towne Ford, of Redwood City and Hansel Ford Santa Rosa; and

WHEREAS, Towne Ford was the apparent low and responsible bidder with a bid of \$70,990; and

WHEREAS, bidding for the truck was in accordance with the Healdsburg Municipal Code; and

WHEREAS, the appropriation of \$47,139 was approved by Council with the adoption of the fiscal year 2016-17 budget based on the 2003 purchase of the same vehicle; and

WHEREAS, in addition to the bid price staff is requesting the City Council approve an estimated contingency of \$3,550 for items such as lights and radio equipment not included in the original bid specification; and

WHEREAS, pursuant to California Environmental Quality Act and Title 14, the California Code of Regulations (CEQA Guidelines), Section 15378 (b)(2), continue administrative actions do not qualify as a "Project".

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Healdsburg hereby:

1. Awards the purchase of a Ford Chassis with utility body to Towne Ford of Redwood City for an amount of \$70,990.
2. Finds that pursuant to California Environmental Quality Act and Title 14, the California Code of Regulations (CEQA Guidelines), Section 15378 (b)(2), continue administrative actions do not qualify as a "Project" and therefore requires no further review.
3. Approves additional appropriations in the amount of \$27,405 in the Vehicle Maintenance Fund to provide funding for the vehicle purchase as well as funds for items not included in the original bid specifications.

Resolution No. ____-2016
Page 2

PASSED, APPROVED AND ADOPTED, this 3rd day of January 2017, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAINING: Councilmembers:

SO ORDERED:

ATTEST:

Shaun F. McCaffery, Mayor

Maria Curiel, City Clerk

Attachment: Resolution (1448 : Purchase of a utility truck)



**CITY OF HEALDSBURG
CITY COUNCIL AGENDA STAFF REPORT**

MEETING DATE: January 3, 2017

SUBJECT: Income-Qualified Residential Direct Install Energy Efficiency and Water Conservation Program

PREPARED BY: Meg Patterson, Utility Conservation Analyst

STRATEGIC INITIATIVE(S):
Quality of Life

RECOMMENDED ACTION(S):

Adopt a resolution approving a professional services agreement with Efficiency Services Groups to provide Income-Qualified Residential Direct Install Program for a not to exceed amount of \$125,000 and authorizing the City Manager to execute the Agreement on the City's behalf

BACKGROUND:

In 1996, the State of California established the Public Benefits Fund to support energy efficiency programs, incentives for the installation of solar systems, and low income discounts. In accordance with State Law, the City assess a 2.85% surcharge on each utility bill for the Public Benefits Fund which is used for our residential and commercial electric rebate programs as well as our low-income discount program. Public Benefits funds were also used to provide rebates for solar electric projects through our SB1 program, until the rebate portion of the program closed in January 2016.

Lower-income customers often do not have the financial resources to participate in Healdsburg's standard energy efficiency programs, even though the customers contribute to the Public Benefits Fund. The City currently has more than 400 households that receive a low-income discount on their utility bill. Of these customers, three quarters live in multi-family units.

DISCUSSION:

In general, customers are able to reduce their electric bills through a combination of energy conserving behavior modifications as well as installation of rebated energy efficient products and/or other home efficiency improvements. While these changes will eventually pay for themselves through the energy savings, the large initial expenditure is often times not feasible for lower income customers and not well incentivized for renters. Rebates can help, but only pay a portion of the cost of the energy efficiency investments. In addition, customers who rent may not

have the authority to pursue energy efficiency upgrades or may be unsuccessful or feel uncomfortable requesting them from the landlords. These issues lead to a lower participation in energy efficiency programs and projects by our lower income customers. This is an industry-wide challenge.

In an effort to meet this challenge, and to assist property owners who provide low-income units with maintenance and improvements of the units, staff recommends approval of an Income-Qualified Residential Direct Install Energy Efficiency and Water Conservation Program (“Program”) to be provided by Efficiency Services Group, LLC (“ESG”).

The City of Healdsburg worked with ESG previously to administer the City’s energy efficiency and rebate programs; ESG is familiar with the City and its customer base. In addition, ESG provides direct install and snapshot audit program services to several utilities on the west coast, including other California Publicly Owned Utilities (POUs). These programs have proven to be very popular with customers that have been served. ESG can deliver this program utilizing experienced installation crews.

The Program would include the following:

- Home Snapshot Audit – this audit would capture 50+ points of data to determine what energy efficiency opportunities exist in the home and, in the case of multi-family units, in the building at large. The audit allows for the identification of major energy and water efficiency measures that can be installed at a later date, which are eligible for the City’s standard energy efficiency rebate programs: HVAC tune up or replacement; ceiling/attic insulation; windows; Energy Star® appliances; water saving fixtures, and others.
- Direct installation of up to eight energy and water efficiency measures: screw-in LEDs; standard showerhead; handheld showerhead; thermostatic shower valve; faucet aerator; advanced smart power strips; toilet leak test; toilet tank bank.

This Program would provide: an opportunity to identify specific energy efficiency improvements available in these units; value to customers by presenting detailed information about their electrical usage and energy saving recommendations; and several measures to be offered instantaneously and directly installed.

The table on the following page identifies the Program measures, their estimated electric and water savings, installation costs, and estimated utility bill savings for electricity as well as water and wastewater.

Measure Information		Electric		Water		City Cost
Measure	Type	Estimated Gross Annual Electric Savings (kWh)	Estimated Program Energy Savings (\$)	Estimated Gross Annual Water Savings (gal)	Estimated Program Water and Wastewater Savings (\$)	Estimated Program Gross Cost
Home Snapshot Audit	Electric	-	-	-	-	\$ 10,000
Screw-In LEDs	Electric	96,900	\$ 14,540	-	-	\$ 68,400
Standard Showerhead, 1.5 GPM	Both	5,900	\$ 890	1,450,000	\$ 29,080	\$ 5,000
Handheld Showerhead, 2 GPM	Both	1,500	\$ 230	182,700	\$ 3,660	\$ 1,890
Thermostatic Shower Valve	Both	3,300	\$ 500	550,000	\$ 11,030	\$ 10,000
Faucet Aerator	Both	2,000	\$ 300	1,158,000	\$ 23,220	\$ 1,570
Advanced Smart Power Strips	Electric	53,000	\$ 7,950	-	\$ -	\$ 22,500
Toilet Leak Test	Water	-	-	344,300	\$ 6,900	\$ 2,500
Toilet Tank Bank Installation	Water	-	-	469,500	\$ 9,420	\$ 3,130
Totals		162,600	\$ 24,410	4,154,500	\$ 83,310	\$124,990

Three of the nine measures offer customers electric savings, two offer water savings, and four offer both electric and water savings (assuming electric water heating). Customers that have natural gas water heaters will not receive electric savings from the measures that provide hot water efficiency. Instead, they will see an energy savings on their natural gas bill.

Energy savings from this program will range between 1.5-2.0MWh per year depending on the number of units with electric hot water heaters. For purposes of projecting conservative electric savings, this report assumes that 75% of the participating homes will have natural gas hot water heaters. Should more participants have electric hot water heaters, the electric energy savings will increase.

At a cost of \$125,000, the program is expected to save up to 2.0MWh of electricity and 4.2 million gallons of water per year. The Program measures will be paid from the Public Benefits Fund and Water Fund based on the percentage of electric and water savings. The exact allocation will vary depending on the number of units with electric water heaters, but is expected to be \$100,000 from Public Benefits Fund and \$25,000 from the Water Fund.

ALTERNATIVES:

The Council could provide limitations to the proposed scope of the Income-Qualified Residential Direct Install Energy Efficiency and Water Conservation Program. Staff worked closely with the consultant, Efficiency Service Group, to provide the most cost effective and appropriate measures based upon previous projects. Altering the scope at this point may not provide a greater cost benefit.

FISCAL IMPACT:

With the adoption of the fiscal year 2016-17 budget, the City Council appropriated \$250,000 of Public Benefits funds for electric energy efficiency rebates. Within this allocation, \$125,000 was planned for a low-income direct install program and therefore no additional appropriations are required from the Public Benefit Fund. Included with the Water Fund was \$100,000 for water conservation measures. A portion of the water conservation funds have already been paid or reserved for lawn conversion and/or high efficiency toilet rebates. However, a sufficient amount remains to support the proposed direct install program's water conservation measures.

ENVIRONMENTAL IMPACT:

The approval of this agreement will not result in a direct or reasonably foreseeable indirect change in the physical environment and is therefore not a “project” for purposes of Section 21065 of the California Environmental Quality Act.

ATTACHMENT(S):

Proposal

Resolution

EFFICIENCY SERVICES **Group**

INCOME-QUALIFIED RESIDENTIAL DIRECT INSTALL AND SNAPSHOT AUDIT PROGRAM

Submitted by Efficiency Services Group, LLC

**Mark Gosvener
Chief Operating Officer
5605 NE Elam Young Parkway
Hillsboro, OR 97124
(888) 883-9879 Toll-Free
(503) 718-3733 Phone
(503) 344-6942 Fax
markg@esgroupllc.com**

November 21, 2016

Program Overview

Efficiency Services Group (ESG) is pleased to present this proposal to the City of Healdsburg (Healdsburg) for an Income-Qualified Residential Direct Install (DI) and Snapshot Audit Program (Program). The goal of the Program is to reach Healdsburg residential customers that are currently participating in the low-income discount CARE program and deliver energy savings, and provide a great customer experience with Healdsburg. The funding mechanism for this program is Healdsburg's Public Benefit fund.

Lower-income customers often do not have the financial resources to participate in Healdsburg's standard energy efficiency programs, even though the customers contribute to the Public Benefit fund. ESG would like to partner with Healdsburg to provide these customers with a program that delivers instant energy savings and benefits, and is not cost-restrictive for their participation. ESG recommends the installation of energy and water saving measures to deliver real savings on customer electric, water and sewer costs. These measures can be installed in the customer's home at no charge to them, while maintaining cost-effectiveness to Healdsburg. In addition, ESG recommends completing a snapshot audit while in the customer's home.

ESG provides direct install and snapshot audit program services to several utilities on the west coast. These programs have proven to be very popular with customers that have been served. ESG can deliver this program utilizing experienced installation crews.

Program Benefits

ESG believes that offering this program will provide the following benefits to Healdsburg:

- Strengthen residential customer relationships by providing a great customer experience in the program
- Provide energy and cost savings to targeted customers
- Allow customers that are not traditionally able to participate in PB programs the opportunity to participate
- Collect current customer contact information and site data to be used in future program offerings and targeted marketing

Customer Eligibility

The program will be open to Healdsburg residential customers currently participating in the CARE program and other tenants of multi-family complexes with at least one eligible CARE program customer. Customers may email or call to sign up for the program, or ESG may approach customers directly. ESG will coordinate with Healdsburg to finalize a strategy to approach customers and generate sign-ups for the program.

Program Budget

ESG's fees for this program are inclusive of all costs, including program development activities, marketing/outreach, labor, materials, travel expenses and admin/overhead.

The program fees are invoiced on a cost per measure basis. The estimated budget for the program is based on the following measure costs and installation assumptions:

Measure	Cost Unit	Fee per Unit	Estimated Units	Estimated Cost
Home Snapshot Audit	Audit	\$40.00	250	\$10,000.00
Screw-In LEDs	Lamp	\$18.00	3800	\$68,400.00
Standard Showerhead, 1.5 GPM	Showerhead	\$20.00	250	\$5,000.00
Handheld Showerhead, 2 GPM	Showerhead	\$30.00	62.5	\$1,875.00
Thermostatic Shower Valve	Valve	\$40.00	250	\$10,000.00
Faucet Aerator	Aerator	\$5.00	312.5	\$1,562.50
Advanced Smart Power Strips	Power Strip	\$90.00	250	\$22,500.00
Toilet Leak Test	Test	\$8.00	315	\$2,520.00
Toilet Tank Bank Installation	Tank Bank	\$10.00	312.5	\$3,125.00
Totals				\$124,982.50

Measure Descriptions

Home Snapshot Audit

While in the customer home installing DIMs, Energy Efficiency Advisors (EEAs) will acquire the customer demographic and site/equipment data such as current customer contact information, water heater fuel type and size, own/rent, year built, approximate square footage, foundation type, house type, space heat fuel type, HVAC system type, central A/C (Yes/No), central A/C tons, window type, insulation levels, appliance inventory, customer comfort (satisfied, not satisfied), and EEA/customer comments.

LED Lamps (screw-in based)

All LED lamps, reflectors, globes and candelabras offered in the program will be UL listed and ENERGY STAR certified.

Advanced Power Strips

Advanced Smart Power Strips (APS) utilize infrared and in some cases, motion detection to monitor the remote control activity and motion in the room. If the APS does not sense activity with the remote control or motion in the room, it will signal with a flashing LED light that it is going to turn off the TV. If no remote activity or motion in the room is detected after sending out signal, it will turn off power to the TV and any other devices plugged into the controlled outlets in the power strip. This eliminates the phantom power used while electronics are in stand-by mode.

High Performance Showerheads

High performance, lower flow showerheads reduce the amount of water used to shower, saving costs on water, sewer and energy. Only customers with electric water heating will qualify for this measure.

Thermostatic Shower Valves

Thermostatic shower valves are designed to reduce water and energy waste by reducing the water flow of a shower to a trickle once the water reaches 95 degrees. This prevents the waste that occurs when people leave the shower running to get warm before they get in.

Thermostatic Shower Valve and Showerhead Combination

This unit combines the valve and high performance 1.5 gallons per minute showerhead.

Toilet Leak Test

EEAs will perform a toilet leak detection test on each toilet in the home. Dye tablets will be supplied by Healdsburg.

Toilet Tank Bank

EEAs will install toilet tank banks on all toilets practical. This proposal includes installation only. Tank banks will be supplied by Healdsburg.

Professional Installations

All Direct Install (DI) services for the Program will be performed by experienced staff, with an emphasis on providing a great customer experience in the program.

Customer Satisfaction

The residential program is designed to be easy for customers to participate in, and all program staff are focused on providing a great customer experience. ESG and our program partners understand the importance of emphasizing with the customer that the program is coming from Healdsburg, and using the program experience to help Healdsburg build/strengthen their relationships with their customers.

Reporting and Invoicing

ESG thoroughly understands the SB1037 reporting requirements for utility energy efficiency programs. Because of this, ESG can generate complete and activity reports to Healdsburg.

Program Administration

ESG will provide complete program administration, including:

- Program development (product selection, marketing strategy, customer outreach)
- Customer service/support
- Measure installation
- Warranty fulfillment
- Reporting/invoicing

Data Management System

EEAs utilize iPad tablets and the Ditrak application to electronically collect, submit and store data for DI measures installed. Ditrak is a proprietary Data Management System that was developed in partnership between ESG and Ditrak, Inc; www.ditrakenergy.com includes detailed information regarding this application that streamlines data collection in the field. The Ditrak Data Management System offers the following features:

- Direct (paperless) entry of snapshot audit and DIM installation data

- Upload of data to an online database
- Export of data in a flexible format

For each site visited, customer contact information and installed measure data are entered into the iPad application and uploaded to the Ditrak online database. Data is exported in CSV format, providing ESG a great deal of flexibility in the generation of invoices and reports.

Program Implementation

ESG anticipates that program development tasks will be completed within 45 days of notice to proceed from Healdsburg. These tasks include, but are not limited to:

- Working with Healdsburg to finalize the mailing list of residential customers
- Preparation of reporting and invoicing formats
- Preparation of introduction letter from Healdsburg and other program promotional materials as agreed upon to be carried by the EEAs

Based on the proposed budget, program delivery is expected to span 3-6 months. If Healdsburg allocates more or less funding to the program, the program delivery timeline will be adjusted accordingly.

Payment Schedule

All program costs will be paid on a per-unit-delivered/installed basis. Per-unit prices include all costs associated with program development, program implementation, administration and marketing/outreach of the program. ESG shall bear the time and material costs associated with program development tasks and recover those costs upon successful delivery/installation of measures (via the per-unit prices).

ESG will submit invoices to Healdsburg monthly, accompanied by detailed reports on services performed for each customer served. ESG's payment terms are Net 20 days.

If an invoice error is identified by Healdsburg, a corrected invoice will be submitted by ESG within five business days of receiving notification from Healdsburg.

ESG Partners

ESG will serve as the program administrator for the Program. In addition, ESG has a partner we plan to utilize in the implementation of the program. ESG has had a relationship with this partners for several years, and have successfully delivered utility programs with them. Our program partner is:

RD Energy Solutions
7333 SE Ellis St
Portland OR 97206

Detailed Information

Efficiency Services Group key program personnel include:

Mark Gosvener, COO – Contract related issues and general oversight of the program

Miranda Boutelle, Program Manager – Program administration, reporting, invoicing, main point of contact for Healdsburg

Dave Barnhart, Manager of Direct Install Services – Oversight of all DI and Snapshot audit field services, coordination with RD Energy Solutions

ESG program administration responsibilities include:

- Communication with Healdsburg; ESG will serve as Healdsburg's point of contact for anything related to the Program
- Coordinating all program development tasks for program partners
- Activity reporting and invoicing
- Budget tracking

RD Energy Solutions: key personnel include:

Zack Lewetag – Coordination of all DI activities, oversight of EEAs in the field.

RD Energy Solutions is the installation partner for our commercial and residential direct install programs. ESG and RD have partnered to implement EE programs to over twenty utilities in California and the Northwest. RD will perform the following tasks:

- Contacting customers to schedule DI visits
- Ordering product needed to complete DI installs
- Installing DI measures
- Entering DI activity for each home served into Ditrak iPad application
- Providing all DI measure install data to ESG for each home served

Marketing Activities

ESG will work with Healdsburg to develop a letter informing the customers about the Program and requesting that they call in to schedule a DI appointment.

Conclusion

ESG appreciates the opportunity to be considered to provide program services to Healdsburg customers. We are confident the Program described in this proposal will provide an excellent customer experience, energy savings, and a great deal of customer awareness among your customers. We are happy to discuss any questions you may have, or provide any additional documentation you may need to evaluate this proposal. We look forward to hearing from you.

Mark Gosvener
Chief Operating Officer

CITY OF HEALDSBURG

RESOLUTION NO.____-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH EFFICIENCY SERVICE GROUP, LLC TO PROVIDE AN INCOME-QUALIFIED RESIDENTIAL DIRECT INSTALL AND SNAPSHOT AUDIT PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT FOR AN AMOUNT NOT TO EXCEED \$125,000

WHEREAS, in 1996, the State of California established the Public Benefits Fund to support energy efficiency programs, support renewable energy, and low income discounts; and

WHEREAS, lower-income customers often do not have the financial resources to participate in Healdsburg's standard energy efficiency programs, even though the customers contribute to the Public Benefits Fund; and

WHEREAS, to provide low-income customers with energy efficiency and water conservation devices, City staff requested proposals for a low-income direct install program; and

WHEREAS, a proposal was received by Efficiency Services Group, LLC ("ESG") providing for the installation of both energy efficiency and water conservation programs; and

WHEREAS, ESG previously administered the City's energy efficiency and rebate programs and is familiar with the City and its customer base; and

WHEREAS, ESG provides direct install program services to several utilities on the west coast, including successful programs for other California Publicly Owned Utilities; and

WHEREAS, the approval of this agreement would not result in a direct or reasonably foreseeable indirect change in the physical environment and is therefore not a "project" for purposes of Section 21065 of the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Healdsburg does hereby;

1. Find that this activity would not result in a direct or reasonably foreseeable indirect change in the physical environment and is therefore not a "project" for purposes of Section 21065 of the California Environmental Quality Act.
2. Approve an agreement between the City of Healdsburg and Efficiency Services Group, LLC to provide an Income-Qualified Residential Direct Install and Snapshot Audit Program for an amount not to exceed \$125,000.
3. Authorize the City manager to execute an agreement on the City's behalf.

Resolution No. ____-2016
Page 2

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Healdsburg
this 3rd day of January, 2017, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAINING: Councilmembers:

SO ORDERED:

ATTEST:

Shaun F. McCaffery, Mayor

Maria Curiel, City Clerk

Attachment: Resolution (1420 : Low Income Direct Installation of Residential Energy Efficiency and Water Conservation Measures)



**CITY OF HEALDSBURG
CITY COUNCIL AGENDA STAFF REPORT**

MEETING DATE: January 3, 2017

SUBJECT: Extension of Interim Ordinance 1155 and Interim Ordinance 1156 in Response to Voter Adoption of Proposition 64, The Control, Regulate and Tax Adult Use of Marijuana Act

PREPARED BY: Kraig Tambornini, Senior Planner

STRATEGIC INITIATIVE(S):
Quality of Life

RECOMMENDED ACTION(S):

Hold public hearing and adopt interim ordinances to extend the moratoria up to an additional ten months and 15 days

BACKGROUND:

The Control, Regulate and Tax Adult Use of Marijuana Act, commonly known as the Adult Use of Marijuana Act or “AUMA”, adopted by the voters on November 8, 2016, became effective on November 9, 2016. The AUMA legalizes recreational, nonmedical marijuana use for adults 21 and older and provides regulations to allow for marijuana businesses.

The City currently allows the outdoor cultivation of up to three marijuana plants and the indoor cultivation of up to six marijuana plants for medical use, provided that a minimum distance of 300 feet from any hospital, school, church, park or playground, recreation center, or youth center is maintained (HMC §20.20.100(B)). Further, marijuana cultivation must comply with specified regulations, such as a prohibition on the use of grow lights greater than 1,200 watts. (HMC §20.20.100(C)). The City does not issue permits or collect fees for the cultivation of lawful amounts, but can issue citations for violation of the cultivation provisions. The City also prohibits medical marijuana dispensaries (HMC §8.32.040), but does not prohibit or otherwise regulate the delivery of medical marijuana within the City.

On November 21, 2016, the City Council adopted Ordinance 1155 and Ordinance 1156 as interim measures establishing a temporary 45 day moratoria on the outdoor cultivation of recreational marijuana and the indoor cultivation of recreational marijuana with certain limitations, in order to allow the City to study the impacts of Proposition 64 and make recommendations to the City Council. The staff report to the City Council advised that the City

may decide to amend its existing regulations regarding marijuana cultivation for medical use and apply them to recreational marijuana. Unless extended, the interim ordinances will expire on January 5, 2017.

On December 13, 2016, staff presented proposed amendments to the Healdsburg Municipal Code Section 20.20.100 to the Planning Commission. The Commission reviewed and recommended amendments to Section 20.20.100, including provisions regulating cultivation and use of marijuana for recreational purposes within the City, and prohibiting marijuana businesses. The draft amendments are anticipated to be before the City Council on January 17, 2017, with adoption on February 6, 2017 and an effective date of March 8, 2017.

State Government Code Section 65858(d) requires that, if a City seeks to extend an urgency ordinance beyond the initial 45 days, the City shall issue a written report describing the measures taken to alleviate the conditions which led to adoption of the urgency ordinance. On December 19, 2016, the City Council received a report on the progress made to respond to Proposition 64, and directed that the report be issued and posted for review at the City.

Extensions of the current urgency ordinances are necessary to allow time for the City to amend its Municipal Code. State Government Code Section 65858 allows the City Council to extend the ordinances an additional 10 months and 15 days, after providing public notice and a public hearing. Any extensions require a four-fifths vote for adoption.

DISCUSSION/ANALYSIS:

The following facts, as discussed in the November 21, 2016 report to the City Council, remain relevant to an extension of Ordinance 1155 and Ordinance 1156:

Possession and Use. Proposition 64 allows allow individuals 21 years of age or older to “possess, process, transport, purchase, obtain or give away” 28.5 grams or less of non-concentrated marijuana, and 8 grams or less of concentrated marijuana. It legalizes the smoking or ingesting of marijuana or marijuana products, while placing limitations on where marijuana can be used. For example, it prohibits smoking or ingesting marijuana or marijuana products in any public place, within 1,000 feet of a school, or in any location where tobacco is prohibited.

Proposition 64 also requires local jurisdictions to allow the indoor cultivation of up to six marijuana plants for adult recreational use. Localities may regulate, but not ban, indoor cultivation. However, local jurisdictions may ban outdoor cultivation entirely. No more than six recreational plants, in total, may be cultivated for adult use. The City’s current Ordinance, which pertains to cultivation for medicinal use, limits cultivation to three plants outdoors and six plants indoors.

The City’s current “Standards for Indoor and Outdoor Cultivation of Marijuana,” found at HBC Muni Code Section 20.20.100(C), qualify as the type of “reasonable regulations” that are permitted under AUMA, since the standards simply address basic health, safety and welfare needs related to cultivation. However, the City may consider additional or different requirements for the cultivation of recreational marijuana.

Cultivation of Marijuana for Personal Use. Proposition 64 authorizes a person 21 year of age or older to plant, cultivate, harvest, dry, or process no more than six living marijuana plants. The plants, and any marijuana produced by the plants in excess of 28.5 grams, must be kept inside or upon the grounds of a private residence (i.e., a house, apartment unit, mobile home or other similar dwelling), in a locked space, and not be visible from a public place. No more than six living plants may be planted at a single private residence at any given time, regardless of how many individuals live there.

A city may enact and enforce “reasonable regulations” related to marijuana cultivation, but may not completely prohibit cultivation of plants inside a private residence or accessory structure. Cities are, however, authorized to completely prohibit outdoor cultivation, unless the California Attorney General determines that the non-medical use of marijuana in California is lawful under Federal law. The non-medical use of marijuana in California is currently illegal under Federal law.

Marijuana Businesses. Proposition 64 creates a regulatory scheme for the licensing and control of all marijuana related non-profit and for-profit business. It modifies and expands the regulatory medical marijuana provisions of the MMRSA to create a parallel licensing scheme for non-medical marijuana businesses.

State agencies are responsible for the licensing of businesses conducting marijuana-related activities, such as cultivation, manufacturing, testing, retail, and distribution. Similar to MCRSA, the State cannot issue a business license if the approval of the license would violate local provisions or ordinances. Cities retain authority to adopt and enforce local ordinances to regulate marijuana businesses, and are explicitly authorized to “completely prohibit the establishment or operation of” any type marijuana business.

Under AUMA, the City may also ban marijuana businesses. Cities are explicitly allowed to adopt additional regulations for or completely prohibit commercial marijuana businesses. Because the State will not begin issuing regulations for marijuana businesses until sometime in 2017, and is not required to issue any licenses until January 18, the City will have time to craft an ordinance addressing the prohibition or regulation of commercial recreational marijuana.

Taxation. Proposition 64 implements a 15% excise tax on the sale of all marijuana or marijuana products, except for medical marijuana sales, and imposes a cultivation tax on all marijuana entering the commercial market. None of the revenue from these taxes will go to local governments. These taxes are “in addition to any other taxes imposed by a city, county or city and county.” Counties are specifically authorized to impose a tax on cultivating, manufacturing, producing, selling or distributing marijuana and marijuana products, subject to voter approval requirements. Cities may adopt taxes on marijuana related activities, subject to other existing legal requirements such as voter approval.

ALTERNATIVES:

The Council could decide not to adopt extensions of the interim measures. Cultivation of recreational marijuana pursuant to AUMA would be permitted pending the presentation of proposed Land Use Code amendments to the Planning Commission and Council and their

adoption.

FISCAL IMPACT:

There are no fiscal impacts related to the recommendation action.

ENVIRONMENTAL ANALYSIS:

The moratoria extension would not allow any use or activity not currently permitted by state law and local ordinance and does not have the potential for causing a reasonably foreseeable direct or indirect change on the environment, nor any significant effect on the environment, and therefore, the project is not subject to California Environmental Quality Act (“CEQA”) review pursuant to CEQA Guidelines Sections 15060(c)(2) and Section 15061(b)(3).

ATTACHMENT(S):

Ordinance - Indoor Cultivation

Ordinance - Outdoor Cultivation

CITY OF HEALDSBURG

ORDINANCE NO.

**AN INTERIM ORDINANCE ADOPTED AS AN URGENCY MEASURE
OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG
EXTENDING FOR A PERIOD OF TEN MONTHS AND FIFTEEN DAYS
A TEMPORARY MORATORIUM (UNDER CERTAIN
CIRCUMSTANCES) ON THE INDOOR CULTIVATION OF
NONMEDICAL MARIJUANA**

WHEREAS, in 1996 voters in the State of California approved Proposition 215 (codified as California Health and Safety Code section 11362.5 and entitled “The Compassionate Use Act of 1996” or the “CUA”); and

WHEREAS, the primary purpose of the CUA was to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine or any other illness for which marijuana provides relief; and

WHEREAS, in 2004, the State of California also enacted Senate Bill 420 (codified as California Health and Safety Code section 11362.7 et seq. and referred to as “The Medical Marijuana Program” or the “MMP”), to clarify the scope of Proposition 215 and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with a limited defense to certain specified State criminal statutes. Assembly Bill 2650 (2010), and Assembly Bill 1300 (2011), amended the MMP to expressly recognize the authority of counties and cities to “[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective” and to civilly and criminally enforce such ordinances; and

WHEREAS, neither the CUA nor the MMP require or impose an affirmative duty or mandate upon local governments to allow, authorize or sanction the establishment and the operation of facilities cultivating, distributing, or processing medical marijuana; and

WHEREAS, in 2014, the City Council adopted Ordinance 1137, which established standards and regulations for the indoor cultivation of medical marijuana; and

WHEREAS, in October of 2015, the State of California enacted Assembly Bill 243, Assembly Bill 266, and Senate Bill 643 (commonly and collectively referred to as the Medical Marijuana Regulation and Safety Act or “MMRSA”). MMRSA establishes regulation of medical cannabis cultivation, manufacturing, and transportation, as well as create local and State-level licensing systems in California. MMRSA allows a city to prohibit, through land use regulations or ordinances, the cultivating, delivering, distributing, or processing of medical marijuana; and

Ordinance No. _____
Page 2

WHEREAS, the limited immunity from specified State marijuana laws provided by the CUA and MMP does not confer a land use right or the right to create or maintain a public nuisance; and

WHEREAS, the Control, Regulate and Tax Adult Use of Marijuana Act (Proposition 64) was passed by the voters of the State of California on November 8, 2016, which legalized the recreational use of marijuana in California for individuals 21 years of age or older; and

WHEREAS, Proposition 64 would authorize the personal cultivation of up to six (6) marijuana plants within a private residence or upon the grounds of that private residence for nonmedical purposes; and

WHEREAS, pursuant to Proposition 64, the City can enact reasonable regulations relating to the cultivation of nonmedical marijuana in a private residence or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure and the City can prohibit outdoor cultivation upon the grounds of a private residence; and

WHEREAS, the City desires, by the adoption language of this Ordinance, to retain the authority to reasonably regulate indoor cultivation of nonmedical marijuana; and

WHEREAS, improper marijuana cultivation poses an environmental health risk to the public and may create a public nuisance, including without limitation: offensive and irritating odor, degradation of air quality, excessive noise, risk of criminal activity, improper and/or dangerous electrical alterations, and impairment of the general quality of life of property owners and occupants adjoining marijuana cultivation sites; and

WHEREAS, pursuant to the City's police powers authorized in Article XI, Section 7 of the California Constitution, the City has the power to regulate permissible land uses throughout the City and to enact regulations for the preservation of public health, safety and welfare of its residents and community. Additionally, pursuant to California Government Code Section 38771, the City has the power, through its City Council to declare actions and activities that constitute a public nuisance; and

WHEREAS, the justifications for regulating indoor nonmedical marijuana cultivation pursuant to the City's police power include, but is not limited to: a) the increased risk to public safety, based on the value of visible marijuana plants and the accompanying threat of break-ins, robbery and theft, and attendant violence and injury; b) the strong fumes that are emitted from marijuana plants which can interfere with the use and enjoyment of neighboring properties by their occupants; c) the potential for theft and use by school-age children where marijuana is cultivated in a visible location and easily accessible; and d) indoor cultivation of marijuana can also result in various code violations and impairments of the general quality of life for property

Ordinance No. _____
Page 3

owners and occupants near or adjacent to marijuana cultivation sites. These secondary effects pose serious safety risks, and require the commitment of scarce police and public resources; and

WHEREAS, it is more likely than not that the number of individuals who will desire to and will cultivate nonmedical marijuana for personal use will be significant. It is further more likely than not that substantial numbers of persons interested in cultivating nonmedical marijuana will commence doing so immediately, unless and until local regulations (on indoor nonmedical marijuana cultivation) are enacted which control such activities; and

WHEREAS, the cultivation of medical and nonmedical marijuana in other cities has resulted in calls for service to their police departments, including calls for robberies and thefts, and the increase in criminal activity, and it is reasonable to assume that with the passage of Proposition 64, without reasonable controls imposed by the City of Healdsburg, similar, if not greater, numbers of such incidents pertaining to the cultivation of nonmedical marijuana will occur in the City of Healdsburg. Similar incidents involving complaints resulting in criminal investigations and the discovery of illegal marijuana cultivations have occurred in the City of Healdsburg. As a result of the passage of Proposition 64, there is a current and immediate threat to the public health, safety and welfare of substantial numbers of persons cultivating nonmedical marijuana indoors and creating the complaints and enforcement problems already experienced in other communities and in the City of Healdsburg and exposing citizens to robberies, potential violence, vandalism of property and theft of marijuana plants being openly and visibly grown in the yards and grounds of residential properties throughout the City; and

WHEREAS, based upon the experience of the State of Colorado and other states in which nonmedical marijuana has been legalized, it is likely that Proposition 64 will have significant impacts on law enforcement, the medical resources of the State and the regulatory function of local agencies, including the City of Healdsburg; and

WHEREAS, the uncertainty of the passage of Proposition 64 in the November 8, 2016, election and Proposition 64's creation of a complex, state-wide licensing system for the commercial production, delivery, marketing, testing, selling and possession of nonmedical marijuana have impeded and prevented the City from adequately studying the impacts and the most appropriate manner in which to comprehensively address the issues implicated by the Proposition and its implementation. The City needs time to further study Proposition 64 and whether and to what extent the City's General Plan, development code and other regulations will need to be or should be modified to accommodate and/or address the impacts of Proposition 64 on the City and its citizens; and

WHEREAS, in order to determine the most appropriate and publicly beneficial manner in which to address the indoor cultivation of nonmedical marijuana, issues implicated by Proposition 64, the effect of such cultivation activities on the City, and whether and to what extent the City should impose reasonable regulations on such uses within the City's corporate boundaries, and in order to protect residents and businesses from the potential harmful effects of

Attachment: Ordinance - Indoor Cultivation (1449 : Extension of Marijuana Cultivation Moratoria)

Ordinance No. _____

Page 4

indoor nonmedical marijuana cultivation, the City needs time to study those issues and possible regulations and to permit the public adequate time to review and comment upon the issues in accordance with state law in tandem with the City's consideration of any such regulations or prohibition; and

WHEREAS, absent the adoption of this interim Ordinance, it is likely that the establishment and operation of indoor nonmedical marijuana cultivations within the City, without appropriate controls in place to regulate indoor nonmedical marijuana cultivations and their impacts on the community, will result in harmful effects to the businesses, property owners and residents of the City; and

WHEREAS, because of the facts set forth above, there exists a current and immediate threat that persons shall commence indoor nonmedical cultivation operations, that such threat poses a current and immediate threat to the health, safety and welfare of the citizens of the City, and having such uses commence operations and operate in the City before the City has had an opportunity to consider, study and/or adopt regulations governing the said indoor nonmedical marijuana cultivations will render such regulations ineffective and destroy the purpose of engaging in such an analysis and process in the first place, thus constituting a current and immediate threat to the health, safety and welfare of the citizens of the City; and

WHEREAS, California Government Code Section 65858 authorizes the adoption of interim ordinances adopted as an urgency measures to protect the public safety, health, and welfare, prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time; and

WHEREAS, on November 21, 2016, at a duly noticed regular meeting, the City Council adopted Ordinance No. 1155, establishing a temporary moratorium on the unregulated indoor cultivation of nonmedical marijuana throughout the City for a period of forty-five days; and

WHEREAS, pursuant to California Government Code Section 65858 and notice and public hearing pursuant to California Government Code Section 65090, the City Council may extend the interim ordinance for 10 months and 15 days; and

WHEREAS, on January 3, 2017, at a regular meeting, the City Council held a public hearing, following notice thereof in accordance with California Government Code Section 65090, and heard and considered public comment, oral and written, on the proposed extension of the temporary moratorium; and

WHEREAS, pursuant to California Government Code Section 65858(d), at least ten days prior to the expiration of Ordinance No. 1155, the City Council issued a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance; and

Ordinance No. _____
Page 5

WHEREAS, the City Council reiterates the findings supporting Ordinance No. 1155 and finds that it remains necessary to consider, study and/or adopt regulations governing the indoor cultivation of nonmedical marijuana; that commencement of unregulated indoor cultivation of nonmedical marijuana immediately would render potential regulations ineffective and destroy the purpose of engaging in such analysis and process, thus constituting an immediate threat to the health, safety and welfare of the residents of the City; and that therefore the extension of the temporary moratorium on the unregulated cultivation of indoor nonmedical marijuana is necessary.

NOW THEREFORE, the City Council of the City of Healdsburg does ordain as follows:

SECTION 1. Recitals Made Findings.

The above recitals are hereby declared to be true and correct and represent the findings of the City Council of the City of Healdsburg, made in the exercise of its independent judgment. Said Findings are hereby incorporated by reference and made a part of this Interim Ordinance.

SECTION 2. Moratorium Imposed.

A. Scope.

The City Council of the City of Healdsburg finds that, in order to best protect the health, safety and welfare of the citizens of the City of Healdsburg, and in accordance with the authority granted to the City of Healdsburg under Article XI, Section 7 of the California Constitution and in accordance with California Government Code Section 65858, from and after the effective date of this Ordinance, no business license, permit, variance, building permit, approval or any other applicable license or entitlement nor any other authorization or form of approval shall be approved or issued by the City for the cultivation of nonmedical marijuana indoors. The cultivation of nonmedical marijuana indoors is hereby expressly prohibited in all areas and in all zoning districts of the City during the period of time which Ordinance No. 1155, this extension, and any further extension thereof is in effect, except as provided for in this Ordinance.

No person other than an individual 21 years of age or older may engage in the cultivation of nonmedical marijuana.

The purpose of this Ordinance is to protect the public safety, health and welfare from the immediate threat posed by the cultivation of nonmedical marijuana indoors by imposing the regulations currently in place for the cultivation of medical marijuana indoors and other reasonable regulations until such time as a study of the possible adverse impacts said indoor cultivation may have on the general health, safety and welfare of the citizens of Healdsburg can be concluded.

Ordinance No. _____

Page 6

B. Indoor Cultivation.

Indoor cultivation of nonmedical marijuana is prohibited in all zoning districts of the City, except when such cultivation occurs on property with a private residence and in accordance with the following reasonable regulations:

1. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any property within any zoning district in the City of Healdsburg to cause or allow for the indoor cultivation nonmedical marijuana of more than six marijuana plants. The limit of six plants per private residence shall apply regardless of how many individuals reside at the private residence.

2. Indoor cultivation of nonmedical marijuana may only occur within a private residence or a fully enclosed and secure structure. Attached and detached garages, designed and intended primarily for the use of vehicle parking are not considered private residences or fully enclosed and secure structures and may not be used for the cultivation of nonmedical marijuana.

3. Nonmedical marijuana cultivation, whether indoor or outdoor, is not permitted within 300 feet of any hospital, school, church, park or playground, child care center, recreation center or youth center. The distance between any nonmedical marijuana cultivation and any hospital, school, church, park or playground, child care center, recreation center or youth center shall be measured in a straight line, without regard to intervening structures, from (a) with regard to outdoor cultivation, the closest property line of the lot or site on which the outdoor cultivation is occurring and (b) with regard to indoor cultivation, the closest exterior wall of the fully enclosed and secure structure in which the indoor cultivation is occurring, to the closest property line of the lot or site containing the hospital, school, church, park or playground, child care center, recreation center or youth center.

4. The primary purpose of the property on which the nonmedical cultivation occurs shall be as a private residence.

5. If the cultivation occurs in a dwelling unit, the dwelling unit shall retain at all times legal and functioning cooking, sleeping and sanitation facilities with proper ingress and egress. These rooms shall not be used for the cultivation of nonmedical marijuana where such cultivation would prevent their primary use for cooking of meals, sleeping and bathing.

6. Indoor nonmedical marijuana cultivation is prohibited as a home occupation, and retail operations related to the cultivation of marijuana are also prohibited in a private residence.

7. Indoor grow lights shall comply with the applicable provisions of the California Building, Electrical, Plumbing and Fire Codes as adopted and amended by the City, to the satisfaction of the City Building Official.

Ordinance No. _____
Page 7

8. Gas products (CO₂, butane, propane, natural gas, etc.) or generators are strictly prohibited and may not be used indoors for the cultivation, manufacturing or processing of nonmedical marijuana.

9. The private residence or fully enclosed and secure structure used for the cultivation of nonmedical marijuana must install a filtered ventilation system that will prevent marijuana plant odors from exiting the interior of the structure, and shall comply with the California Mechanical Code Section 402.3, Mechanical Ventilation, as amended. The filtered ventilation system must be approved by the building official and installed prior to commencing cultivation.

10. A fully enclosed and secure structure used for the cultivation used for the cultivation of nonmedical marijuana shall be located in the rear yard area of the property and must maintain a minimum ten foot setback from any property line. The yard where the fully enclosed and secure structure is maintained must be enclosed by a solid fence at least six feet in height.

11. Adequate mechanical locking or electronic security systems must be installed to ensure the indoor nonmedical marijuana cultivation is secure from the entry or access of any person under 21 years of age and from theft or vandalism, prior to the commencement of indoor nonmedical cultivation.

12. Cultivation of indoor nonmedical marijuana shall only take place on impervious surfaces.

13. From a public right-of-way, there shall be no exterior evidence of nonmedical marijuana cultivation occurring on the property.

14. If the property, upon which, the cultivation of indoor nonmedical marijuana is to take place, is not owned by the person cultivating the nonmedical marijuana, written consent of the property owner to cultivate nonmedical marijuana within the private residence or in a fully enclosed and secure structure shall be obtained and shall be kept on the premises at all times, and shall be made available to the Chief of Police or his/her designee upon inspection.

15. The private residence or the fully enclosed and secure structure shall comply with all provisions of California Building Standards Code (Title 24, California Code of Regulations) as adopted and amended by the City of Healdsburg.

16. A portable fire extinguisher, that complies with the regulations and standards adopted by the California State Fire Marshal and other applicable law, shall be kept in the area of cultivation at all times in a location that is easily accessible.

D. Exceptions.

Ordinance No. _____
Page 8

This Ordinance shall not be applicable to, nor affect any medical marijuana cultivation that is indoors, which is done in compliance with Healdsburg Municipal Code section 20.20.100.

E. Definitions.

1. “City” shall mean the City of Healdsburg.
2. “Cultivation” shall mean the planting, growing, harvesting, drying, curing, grading, trimming, or processing of marijuana plants or any part thereof.
3. “Fully enclosed and secure structure” shall mean a space within a dwelling unit that complies with the California Building Code, as adopted in the City (“CBC”); or, if exempt from the permit requirements of the CBC, an accessory structure, on a lot or site containing a dwelling unit, having a complete roof and enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab, or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. In order to qualify as a fully enclosed and secure structure, the walls and roofs must be constructed of solid materials that cannot be easily broken through, such as two-inch by four-inch or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Plastic sheeting, regardless of gauge, or similar products, are not considered solid materials.
4. “Indoors” shall mean inside a private residence or inside a fully enclosed and secure structure located on the grounds of a private residence.
5. “Nonmedical marijuana” or “recreational marijuana” means marijuana that is intended to be used for nonmedical and/or recreational purposes pursuant to California Health and Safety Code Section 11362.1 et seq., as those sections may be amended from time to time.
6. “Nonmedical marijuana cultivation” or “recreational marijuana cultivation” shall mean the cultivation of marijuana pursuant to California Health and Safety Code Section 11362.1 et seq., those sections may be amended from time to time.
7. “Marijuana” shall mean all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.
8. “Medical marijuana cultivation” shall mean cultivation of marijuana by a qualified patient or primary caregiver cultivated in conformance with Healdsburg Municipal Code section 20.20.100.
9. “Outdoors” shall mean any location within the City, on private grounds, that is

Ordinance No. _____
Page 9

exposed to open air and is not within a fully enclosed and secure structure or private residence.

10. “Primary caregiver” shall mean a “primary caregiver” as defined in California Health and Safety Code Section 11362.7, as those sections may be amended from time to time.

11. “Private Residence” shall mean a house, an apartment unit, a mobile home, or other similar dwelling unit.

12. “Property” shall mean a parcel of land upon which is built or placed, a private residence.

13. “Qualified patient” shall mean a “qualified patient” or “person with an identification card” as defined in California Health and Safety Code Section 11362.7, as that section may be amended from time to time.

14. “Solid fence” means a fence constructed of substantial material such as wood or metal, that prevents viewing the contents from one side to the other side of the fence.

E. Statutory Findings and Purpose.

This Ordinance is declared to be an Interim Ordinance adopted as an urgency ordinance as defined in California Government Code Section 65858. This Ordinance extending the moratorium on the unregulated indoor cultivation of nonmedical marijuana is deemed necessary based on the Findings of this City Council of the City of Healdsburg as set forth in Section 1 of this Ordinance, and the moratorium is hereby extended for 10 months and 15 days.

SECTION 3. Except as Provided in this Ordinance, Establishment, Maintenance or Operation of Nonmedical Marijuana Cultivation Indoors is Declared a Public Nuisance.

It is unlawful and a public nuisance for any person owning, leasing, occupying, or having possession of any legal parcel or premises within any zoning district in the City to cause or allow such parcel or premises to be used for the indoor cultivation of nonmedical marijuana, except as provided in this Ordinance. Violations of this Ordinance may be enforced by any applicable laws or ordinances, injunctions, or administrative or criminal penalties, set forth in the Municipal Code, including but not limited to Chapter 1.12 of the Healdsburg Municipal Code.

Ordinance No. _____
Page 10

SECTION 4. Compliance with California Environmental Quality Act.

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly. Additionally, the Ordinance is categorically exempt from CEQA under Section 15308 of the CEQA Guidelines as a regulatory action taken by the City pursuant to its police power and in accordance with California Government Code Section 65858, to assure maintenance and protection of the environment pending the consideration, evaluation, study and possible adoption of contemplated local legislation, regulation and policies.

SECTION 5. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstances is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase hereof not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

SECTION 6. Effective Date and Duration.

This Ordinance of the City of Healdsburg shall be effective on January 3, 2017, if adopted by at least four-fifths vote of the City Council, and shall be in effect for 10 months and 15 days from its adoption unless further extended by the City Council in accordance with California Government Code Section 65858.

SECTION 7. Publication.

Before the expiration of fifteen (15) days after its passage, this ordinance, or a summary thereof as provided in California Government Code Section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the City of Healdsburg, along with the names of the members of the City Council voting for and against its passage.

INTRODUCED by the City Council of the City of Healdsburg on the 3rd day of January, 2017, and PASSED and APPROVED on January 3, 2017, at a regular meeting, by the following vote:

AYES: Councilmembers:

Attachment: Ordinance - Indoor Cultivation (1449 : Extension of Marijuana Cultivation Moratoria)

Ordinance No. _____

Page 11

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAINING: Councilmembers:

APPROVED:

ATTEST:

Shaun McCaffery, Mayor

Maria Curiel, City Clerk

Attachment: Ordinance - Indoor Cultivation (1449 : Extension of Marijuana Cultivation Moratoria)

CITY OF HEALDSBURG

ORDINANCE NO.

**AN INTERIM ORDINANCE ADOPTED AS AN URGENCY MEASURE
OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG
EXTENDING FOR A PERIOD OF TEN MONTHS AND FIFTEEN DAYS
A TEMPORARY MORATORIUM ON THE OUTDOOR CULTIVATION
OF NONMEDICAL MARIJUANA**

WHEREAS, in 1996 voters in the State of California approved Proposition 215 (codified as California Health and Safety Code Section 11362.5 and entitled “The Compassionate Use Act of 1996” or the “CUA”); and

WHEREAS, the primary purpose of the CUA was to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine or any other illness for which marijuana provides relief; and

WHEREAS, in 2004, the State of California also enacted Senate Bill 420 (codified as California Health and Safety Code Section 11362.7 et seq. and referred to as “The Medical Marijuana Program” or the “MMP”), to clarify the scope of Proposition 215 and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with a limited defense to certain specified State criminal statutes. Assembly Bill 2650 (2010), and Assembly Bill 1300 (2011), amended the MMP to expressly recognize the authority of counties and cities to “[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective” and to civilly and criminally enforce such ordinances; and

WHEREAS, neither the CUA nor the MMP require or impose an affirmative duty or mandate upon local governments to allow, authorize or sanction the establishment and the operation of facilities cultivating, distributing, or processing medical marijuana; and

WHEREAS, in 2014, the City Council adopted Ordinance 1137, which established standards and regulations for the outdoor cultivation of medical marijuana; and

WHEREAS, in October of 2015, the State of California enacted Assembly Bill 243, Assembly Bill 266, and Senate Bill 643 (commonly and collectively referred to as the Medical Marijuana Regulation and Safety Act or “MMRSA”). MMRSA establishes regulation of medical cannabis cultivation, manufacturing, and transportation, as well as create local and State-level licensing systems in California. MMRSA allows a city to prohibit, through land use regulations or ordinances, the cultivating, delivering, distributing, or processing of medical marijuana; and

Ordinance No. _____
Page 2

WHEREAS, the limited immunity from specified State marijuana laws provided by the CUA and MMP does not confer a land use right or the right to create or maintain a public nuisance; and

WHEREAS, the Control, Regulate and Tax Adult Use of Marijuana Act (Proposition 64) was passed by the voters of the State of California on November 8, 2016, which legalized the recreational use of marijuana in California for individuals 21 years of age or older; and

WHEREAS, Proposition 64 would authorize the personal cultivation of up to six (6) marijuana plants within a private residence or upon the grounds of that private residence for nonmedical purposes; and

WHEREAS, pursuant to Proposition 64, the City can enact reasonable regulations relating to the cultivation of nonmedical marijuana in a private residence or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure and the City can prohibit outdoor cultivation upon the grounds of a private residence; and

WHEREAS, the City desires, by the adoption language of this Ordinance, to retain the authority to regulate or prohibit outdoor nonmedical marijuana cultivation; and

WHEREAS, improper marijuana cultivation poses an environmental health risk to the public and may create a public nuisance, including without limitation: offensive and irritating odor, degradation of air quality, excessive noise, risk of criminal activity, improper and/or dangerous electrical alterations, and impairment of the general quality of life of property owners and occupants adjoining marijuana cultivation sites; and

WHEREAS, pursuant to the City's police powers authorized in Article XI, Section 7 of the California Constitution, the City has the power to regulate permissible land uses throughout the City and to enact regulations for the preservation of public health, safety and welfare of its residents and community. Additionally, pursuant to California Government Code Section 38771, the City has the power, through its City Council to declare actions and activities that constitute a public nuisance; and

WHEREAS, the justifications for regulating or banning of outdoor marijuana cultivation pursuant to the City's police power include, but is not limited to: a) the increased risk to public safety, based on the value of visible marijuana plants and the accompanying threat of break-ins, robbery and theft, and attendant violence and injury; b) the strong fumes that are emitted from marijuana plants which can interfere with the use and enjoyment of neighboring properties by their occupants; c) the potential for theft and use by school-age children where marijuana is cultivated in a visible location and easily accessible; and d) the outdoor cultivation of marijuana can also result in various code violations and impairments of the general quality of life for property owners and occupants near or adjacent to marijuana cultivation sites. These secondary

Ordinance No. _____
Page 3

effects pose serious safety risks, and require the commitment of scarce police and public resources; and

WHEREAS, the City must balance the public health, safety and general welfare concerns of its citizens with the legitimate medical needs of qualified patients by providing an exemption for qualified patient or primary caregiver cultivation and allow small personal outdoor cultivation as a permitted use in residential zoning districts, including commercial or office zones where dwellings are located in the City; and

WHEREAS, it is more likely than not that the number of individuals who will desire to and will cultivate nonmedical marijuana for personal use will be significant. It is further more likely than not that substantial numbers of persons interested in cultivating nonmedical marijuana will commence doing so immediately, unless and until local regulations and/or prohibitions (on outdoor cultivation) are enacted which control such activities; and

WHEREAS, the cultivation of medical and nonmedical marijuana in other cities has resulted in calls for service to their police departments, including calls for robberies and thefts, and the increase in criminal activity, and it is reasonable to assume that with the passage of Proposition 64, without reasonable controls imposed by the City of Healdsburg, similar, if not greater, numbers of such incidents pertaining to the cultivation of nonmedical marijuana will occur in the City of Healdsburg. Similar incidents involving complaints resulting in criminal investigations and the discovery of illegal marijuana cultivations have occurred in the City of Healdsburg. As a result of the passage of Proposition 64, there is a current and immediate threat to the public health, safety and welfare of substantial numbers of persons cultivating nonmedical marijuana outdoors and creating the complaints and enforcement problems already experienced in other communities and in the City of Healdsburg and exposing citizens to robberies, potential violence, vandalism of property and theft of marijuana plants being openly and visibly grown in the yards and grounds of residential properties throughout the City; and

WHEREAS, based upon the experience of the State of Colorado and other states in which nonmedical marijuana has been legalized, it is likely that Proposition 64 will have significant impacts on law enforcement, the medical resources of the State and the regulatory function of local agencies, including the City of Healdsburg; and

WHEREAS, the uncertainty of the passage of Proposition 64 in the November 8, 2016, election and Proposition 64's creation of a complex, state-wide licensing system for the commercial production, delivery, marketing, testing, selling and possession of nonmedical marijuana have impeded and prevented the City from adequately studying the impacts and the most appropriate manner in which to comprehensively address the issues implicated by the Proposition and its implementation. The City needs time to further study Proposition 64 and whether and to what extent the City's General Plan, development code and other regulations will need to be or should be modified to accommodate and/or address the impacts of Proposition 64 on the City and its citizens; and

Ordinance No. _____
Page 4

WHEREAS, in order to determine the most appropriate and publicly beneficial manner in which to address the outdoor cultivation of nonmedical marijuana issues implicated by Proposition 64 and the effect of such outdoor cultivation activities should the City determine to permit such uses within the City's corporate boundaries, and in order to protect residents and businesses from the potential harmful effects of some outdoor nonmedical marijuana cultivators, the City needs time to study whether to permanently permit and regulate or prohibit such uses and, if the Council determines to permit such uses, to examine the regulations relating thereto and to permit the public adequate time to review and comment upon the issue in accordance with state law in tandem with the City's consideration of any such regulations or prohibition; and

WHEREAS, it would be destructive of and render ineffective any proposed policies, restrictions, ordinances and regulations if, during the period they are being studied and considered by the City, parties seeking to avoid their operation and effect establish such uses, which said operations and activities will defeat, in whole or in part, the objectives of such policies, restrictions, ordinances and regulations; and

WHEREAS, absent the adoption of this interim Ordinance, it is likely that the establishment and operation of outdoor nonmedical marijuana cultivations within the City, without appropriate controls in place to regulate (or prohibit) outdoor nonmedical marijuana cultivations and their impacts on the community, will result in harmful effects to the businesses, property owners and residents of the City; and

WHEREAS, because of the facts set forth above, there exists a current and immediate threat that persons shall commence outdoor nonmedical cultivation operations, that such threat poses a current and immediate threat to the health, safety and welfare of the citizens of the City, and having such uses commence operations and operate in the City before the City has had an opportunity to consider, study and/or adopt regulations (or prohibitions) governing the said outdoor nonmedical marijuana cultivations will render such regulations ineffective and destroy the purpose of engaging in such an analysis and process in the first place, thus constituting a current and immediate threat to the health, safety and welfare of the citizens of the City; and

WHEREAS, California Government Code Section 65858 authorizes the adoption of interim ordinances adopted as an urgency measures to protect the public safety, health, and welfare, prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time; and

WHEREAS, on November 21, 2016, at a duly noticed regular meeting, the City Council adopted Ordinance No. 1156, establishing a temporary moratorium on the outdoor cultivation of nonmedical marijuana throughout the City for a period of forty-five days; and

Ordinance No. _____
Page 5

WHEREAS, pursuant to California Government Code Section 65858 and notice and public hearing pursuant to California Government Code Section 65090, the City Council may extend the interim ordinance for 10 months and 15 days; and

WHEREAS, on January 3, 2017, at a regular meeting, the City Council held a public hearing, following notice thereof in accordance with California Government Code Section 65090, and heard and considered public comment, oral and written, on the proposed extension of the temporary moratorium; and

WHEREAS, pursuant to California Government Code Section 65858(d), at least ten days prior to the expiration of Ordinance No. 1156, the City Council issued a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance; and

WHEREAS, the City Council reiterates the findings supporting Ordinance No. 1156 and finds that it remains necessary to consider, study and/or adopt regulations governing, or the prohibition of, the outdoor cultivation of nonmedical marijuana; that commencement of outdoor cultivation of nonmedical marijuana immediately would render potential regulations or prohibition ineffective and destroy the purpose of engaging in such analysis and process, thus constituting an immediate threat to the health, safety and welfare of the residents of the City; and that therefore the extension of the temporary on the outdoor moratorium on the outdoor cultivation of nonmedical marijuana is necessary.

NOW THEREFORE, the City Council of the City of Healdsburg does ordain as follows:

SECTION 1. Recitals Made Findings.

The above recitals are hereby declared to be true and correct and represent the findings of the City Council of the City of Healdsburg, made in the exercise of its independent judgment. Said Findings are hereby incorporated by reference and made a part of this Interim Ordinance.

SECTION 2. Moratorium Imposed.

A. Scope.

The City Council of the City of Healdsburg finds that, in order to best protect the health, safety and welfare of the citizens of the City of Healdsburg, and in accordance with the authority granted to the City of Healdsburg under Article XI, Section 7 of the California Constitution and in accordance with California Government Code Section 65858, from and after the effective date of this Ordinance, no business license, permit, variance, building permit, approval or any other applicable license or entitlement nor any other authorization or form of approval shall be approved or issued by the City for the cultivation of nonmedical marijuana outdoors. The

Ordinance No. _____
Page 6

cultivation of nonmedical marijuana outdoors is hereby expressly prohibited in all areas and in all zoning districts of the City during the period of time which Ordinance No. 1156, this extension, and any further extension thereof is in effect.

The purpose of this Ordinance is to protect the public safety, health and welfare from the immediate threat posed by the cultivation of nonmedical marijuana outdoors by temporarily prohibiting said nonmedical marijuana outdoors within the City of Healdsburg until such time as a study of the possible adverse impacts said cultivation may have on the general health, safety and welfare of the citizens of Healdsburg can be concluded.

B. Outdoor Cultivation Prohibited.

The cultivation of nonmedical marijuana outdoors is hereby expressly prohibited.

C. Exceptions.

This Ordinance shall not be applicable to, nor affect any medical marijuana cultivation that is outdoors, as defined herein, which is done in compliance with Healdsburg Municipal Code section 20.20.100.

D. Definitions.

1. "City" shall mean the City of Healdsburg.
2. "Cultivation" shall mean the planting, growing, harvesting, drying, curing, grading, trimming or processing of marijuana plants or any part thereof.
3. "Fully enclosed and secure structure" shall mean a space within a dwelling unit that complies with the California Building Code, as adopted in the City ("CBC"); or, if exempt from the permit requirements of the CBC, an accessory structure, on a lot or site containing a dwelling unit, having a complete roof and enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. In order to qualify as a fully enclosed and secure structure, the walls and roofs must be constructed of solid materials that cannot be easily broken through, such as two-inch by four-inch or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Plastic sheeting, regardless of gauge, or similar products, are not considered solid materials.
4. "Nonmedical marijuana" or "recreational marijuana" means marijuana that is intended to be used for nonmedical and/or recreational purposes pursuant to California Health and Safety Code Section 11362.1 et seq., as those sections may be amended from time to time.

Ordinance No. _____

Page 7

5. “Nonmedical marijuana cultivation” or “recreational marijuana cultivation” shall mean the cultivation of marijuana pursuant to California Health and Safety Code Section 11362.1 et seq., as those sections may be amended from time to time.

6. “Marijuana” shall mean all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

7. “Medical marijuana cultivation” shall mean cultivation of marijuana by a qualified patient or primary caregiver cultivated outdoors in conformance with Healdsburg Municipal Code section 20.20.100.

8. “Outdoors” shall mean any location within the City, on private grounds, that is exposed to open air and is not within a fully enclosed and secure structure.

9. “Primary caregiver” shall mean a “primary caregiver” as defined in California Health and Safety Code Section 11362.7, as that section may be amended from time to time.

10. “Qualified patient” shall mean a “qualified patient” or “person with an identification card” as defined in Health and Safety Code Section 11362.7, as that section may be amended from time to time.

E. Statutory Findings and Purpose.

This Ordinance is declared to be an Interim Ordinance adopted as an urgency ordinance as defined in California Government Code Section 65858. This Ordinance extending the moratorium on the outdoor cultivation of nonmedical marijuana is deemed necessary based on the Findings of this City Council of the City of Healdsburg as set forth in Section 1 of this Ordinance, and the moratorium is hereby extended for 10 months and 15 days.

SECTION 3. Establishment, Maintenance or Operation of Nonmedical Marijuana Cultivation Outdoors Declared a Public Nuisance.

It is unlawful and a public nuisance for any person owning, leasing, occupying, or having possession of any legal parcel or premises within any zoning district in the City to cause or allow such parcel or premises to be used for the outdoor cultivation of nonmedical marijuana. Violations of this Ordinance may be enforced by any applicable laws or ordinances, injunctions or administrative or criminal penalties, set forth in the Municipal Code, including but not limited to Chapter 1.12 of the Healdsburg Municipal Code.

Ordinance No. _____
Page 8

SECTION 4. Compliance with California Environmental Quality Act.

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly. Additionally, the Ordinance is categorically exempt from CEQA under Section 15308 of the CEQA Guidelines as a regulatory action taken by the City pursuant to its police power and in accordance with California Government Code Section 65858, to assure maintenance and protection of the environment pending the consideration, evaluation, study and possible adoption of contemplated local legislation, regulation and policies.

SECTION 5. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstances is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase hereof not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

SECTION 6. Effective Date and Duration.

This Ordinance of the City of Healdsburg shall be effective on January 3, 2017, if adopted by at least four-fifths vote of the City Council, and shall be in effect for 10 months and 15 days from its adoption unless further extended by the City Council in accordance with California Government Code Section 65858.

SECTION 7. Publication.

Before the expiration of fifteen (15) days after its passage, this ordinance, or a summary thereof as provided in California Government Code Section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the City of Healdsburg, along with the names of the members of the City Council voting for and against its passage.

Ordinance No. _____

Page 9

INTRODUCED by the City Council of the City of Healdsburg on the 3rd day of January, 2017, and PASSED and APPROVED on January 3, 2017, at a regular meeting, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAINING: Councilmembers:

APPROVED:

ATTEST:

Shaun McCaffery, Mayor

Maria Curiel, City Clerk

2738469.1

Attachment: Ordinance - Outdoor Cultivation (1449 : Extension of Marijuana Cultivation Moratoria)



**CITY OF HEALDSBURG
CITY COUNCIL AGENDA STAFF REPORT**

MEETING DATE: January 3, 2017

SUBJECT: Appointment to Vacant City Council Seat

PREPARED BY: David Mickaelian, City Manager

STRATEGIC INITIATIVE(S):
Effective & Efficient Government

RECOMMENDED ACTION(S):

It is Staff's recommendation that Council proceed with one of the following options:

- 1) By motion, appoint any member of the public who resides in the City of Healdsburg and is a registered voter to fill the vacant Council seat; or
- 2) By motion, determine a process whereby letters of interest are received and the vacancy is filled at a later date; or
- 3) By motion, direct staff to agendize a resolution calling for a special election to fill the vacant seat.

BACKGROUND:

Former Council Member Eric Ziedrich was elected to the Healdsburg City Council in November 2014 for a four-year term ending in 2018. The City Clerk has received a formal letter of resignation from Council Member Ziedrich. Effective December 31, 2016, Mr. Ziedrich will vacate his Council seat. Pursuant to the City's Municipal Code and State law, the City Council has 60 days from the commencement of the vacancy to fill the position or call for a special election. January 3, 2017 is the first regular meeting after the effective date of Mr. Ziedrich's resignation.

DISCUSSION/ANALYSIS:

Healdsburg Municipal Code Section 2.08.040 permits the Council to fill a vacancy by appointment or calling for a special election in the manner prescribed in Cal. Gov. Code Section 36512. Section 36512(b) requires the Council act within sixty (60) days from the commencement of the vacancy (December 31, 2016). If the Council makes an appointment, the appointee must be a member of the public who legally resides within the City limits of Healdsburg and is registered to vote. If the Council

calls for a special election, the election must be held on the next regularly established election date, which is June 6, 2017. (The deadline to place the item on the March ballot has passed). Pursuant to Section 36512(b)(2)(B), the new Council Member will serve for the remainder of Mr. Ziedrich's term, which expires in 2018.

The Council has the following options for filling the vacant seat. All options must follow receipt of public comment and be pursuant to a motion by a Council Member.

Appointment Options

1. A Council Member may make a motion to appoint a member of the public who legally resides within the city limits of Healdsburg and is registered to vote. If there is a second to the motion, followed by an affirmative vote of at least three Council Members, the motion carries, and the appointee may be sworn in at that time. If there is a motion and a second and the potential appointee fails to receive at least three affirmative votes, the motion fails. A Council Member may then move to appoint a different appointee and go through the same process.
2. The Council may establish a process by which to consider applicants and determine who to appoint. The process could include asking for letters of interest to be submitted to the City Clerk by Monday, January 9th at 5pm. Any letter of interest received would be public. At the January 17th, 2017 Council meeting, Council could then consider making an appointment of someone who submitted a letter of interest.
 - If Council selects this option, it is suggested that any candidate who wishes to submit a letter of interest providing specific information. Following are some suggested questions to include be included:
 - Why he or she is interested in the appointment;
 - What practical experience he or she has in participating on Boards, Commissions, or other publicly appointed / elected bodies;
 - What he or she believes are the most pressing issues that need to be addressed over the next two years within the City; and
 - What he or she values about living in the City of Healdsburg.

Special Election Option

1. If the Council decides to have a special election, the special election must be held on the next regularly established election date not less than 114 days from the call of the special election. The next regularly established election date is June 6, 2017. The deadline to call a special election is March 10, 2017 (We are past the deadline to have this item on the March 2017 ballot). If the Council chooses to do so, it could appoint an interim Member to fill the vacant seat until the date of the special election.
 - The County's cost estimate to hold an election on June 6, 2017 is approximately \$20,100 - \$33,100. The County estimates a range to account for the variables that can influence the

final cost of an election, including whether some costs can be shared with other jurisdictions that may also choose to hold an election (e.g. costs associated with staffing, supplying polling places, printing voter materials, etc.). It is important to note that, if the Council calls for a special election, the term of the elected Member would still expire in December, 2018.

ALTERNATIVES:

Alternatives have been addressed above.

FISCAL IMPACT:

If the Council elects to utilize an application process, the fiscal impact is unclear, as is uncertain how much staff time this process would require. If the Council elects to call for a special election, the fiscal impact to the General Fund is estimated to be between \$20,100 and \$33,100.

ENVIRONMENTAL ANALYSIS:

Pursuant to Title 14, the California Code of Regulations, Section 15302(c) of the California Environmental Quality Act (“CEQA”) guidelines, the proposed action is an administrative activity of the City that will not result in direct or indirect physical changes to the environment.

ATTACHMENT(S):



**CITY OF HEALDSBURG
CITY COUNCIL AGENDA STAFF REPORT**

MEETING DATE: January 3, 2017

SUBJECT: Measure V Survey

PREPARED BY: Heather Ippoliti, Assistant City Manager

STRATEGIC INITIATIVE(S):

Effective & Efficient Government
Fiscal Responsibility

RECOMMENDED ACTION(S):

By motion, approve the proposed Measure V Survey

BACKGROUND:

In November of 2012, the residents of Healdsburg passed Measure V, which is a ½ cent sales tax. Measure V has a 10 year sunset. The intent of The Measure V is to fund vital city services and programs. 100% of the revenue is spent locally for the benefit of Healdsburg residents. Funding priorities include:

- Public Safety
- Street Maintenance and Repair
- Economic Development
- Maintenance of City Facilities

The City Council has been committed to an ongoing transparent and public process with Measure V and how the funds are spent. Included in this measure is the commitment for the City of Healdsburg to survey our citizens on how these funds should be spent on an annual basis in the areas of priority. Each year since the passage of Measure V, the City has surveyed its residents as to how Measure V funds should be spent with the emphasis on Street Maintenance and Repairs, Public Safety, Maintenance of City Facilities, and Economic Development.

Last year, the City collected a total of 1,141 surveys. The survey results by % received from prior years are reported below:

	2013-14	2014-15	2015-16	2016-17
Public Safety	18%	13%	18%	16%
Streets Maintenance	46%	46%	42%	40%
Economic Development	11%	5%	9%	6%
City Facilities	14%	14%	16%	11%
General Fund Reserves		4%	4%	3%
GF Balance Budget	6%	10%	4%	3%
Community Grant Program	1%	0%	3%	2%
Housing				14%
Other	4%	8%	4%	5%
	100%	100%	100%	100%

Last year the survey was available to the Healdsburg residents in a variety of forms:

- Electronic
- Mailed
- City Website
- CityScape in Healdsburg Tribune
- Chamber of Commerce email notice
- Link provided by Social Media networks
- Link provided by HealdsburgCommunityVoice.com
- E-Notifier with link to electronic survey
- Parks & Rec email with link to electronic survey

DISCUSSION/ANALYSIS:

Attached is the proposed survey to seek the input from the Healdsburg residents. The proposed survey polls on Public Safety, Street Maintenance and Repair, Economic Development Programs, Maintenance of City Facilities, three miscellaneous items, as well as, provides an opportunity for the residents to write in their own suggestions.

Last year, the survey included an Affordable Housing item with the miscellaneous section. With the passing of Measure S, a dedicated funding source for Affordable Housing, staff is recommending excluding Affordable Housing from the survey.

ALTERNATIVES:

The Council may request to change the topics provided in the survey giving the Healdsburg residents the ability to allocate funds elsewhere.

FISCAL IMPACT:

There is no direct fiscal impact related to the proposed action.

ENVIRONMENTAL ANALYSIS:

Pursuant to Title 14, the California Code of Regulations, Section 15302(c) of the California Environmental Quality Act (“CEQA”) guidelines, the proposed action is an administrative activity of the City that will not result in direct or indirect physical changes to the environment.

ATTACHMENT(S):
Proposed Survey

YOUR INPUT IS IMPORTANT

Where should we spend FY 2017-18 Measure V funds?



Measure V is a 1/2-cent sales tax used to fund vital city services and programs. 100% of the revenue is spent locally for the benefit of Healdsburg residents. The City of Healdsburg and the City Council are committed to an ongoing transparent and public process with Measure V and how the funds are spent. Included in this measure is the obligation for the City of Healdsburg to survey our citizens on how these funds should be spent in the areas identified in this measure. Measure V funding priorities include: PUBLIC SAFETY, STREET MAINTENANCE AND REPAIR, ECONOMIC DEVELOPMENT, AND MAINTENANCE OF CITY FACILITIES.

Your input is critical in determining how our community will benefit from Measure V. We appreciate you taking the time to complete our short survey. For more information, please visit <http://www.ci.healdsburg.ca.us/405/Measure-V>.

Please indicate the areas you would like to see funded and the percentage of funds you would designate for each. Your total should equal 100%. If an item is not important to you, please leave it blank and be sure to use "Other" to write in your own suggestions.

PUBLIC SAFETY (Police and Fire): _____%

The City's Police and Fire Department staffing levels are currently at the appropriate level for minimum staffing for our City. The Fire Department is meeting minimum staffing levels with the use of the Reserve Firefighters. Funding for public safety could be used for the following purposes: public safety personnel, updated public safety equipment, public safety facility improvements, and/or the public safety reserve fund.

STREETS MAINTENANCE AND REPAIR: _____%

Funding for Streets Maintenance & Repair could be used for the following purposes: repairing sidewalks, reconstructing commercial/high-use streets, and/or reconstructing neighborhood streets.

ECONOMIC DEVELOPMENT PROGRAMS: _____%

Funding for Economic Development Programs could be used for the following purposes: developing and implementing incentives to retain and recruit businesses to Healdsburg, infrastructure improvements to support business retention and development, and/or supporting the Healdsburg Chamber of Commerce.

CITY FACILITIES: _____%

A recent facility condition assessment was completed on all city facilities including City Hall, the Community Development Center (Planning & Building Department), Corporation Yard, Fire Station, Police Station, and other city facilities. The comprehensive assessment found that most city buildings have deficiencies that will need to be addressed immediately or within the next 1-5 years. The funding of city facilities provides funding for repairs and maintenance, such as replacing a roof, air conditioning and heating, plumbing and lighting.

MISCELLANEOUS:

_____% Increase General Fund Reserves, _____% Balance General Fund Budget

_____% Community Grant Program,

_____% Other: _____

Thank you for participating in this survey. Please submit the completed survey no later than February 10, 2017.

Mail: Please use envelope provided (postage required)

(City of Healdsburg, Finance Department, 401 Grove Street, Healdsburg CA, 95448)

Fax: 707-431-3321, **Email:** finance@ci.healdsburg.ca.us



CITY OF HEALDSBURG CITY COUNCIL AGENDA STAFF REPORT

MEETING DATE: January 3, 2017

SUBJECT: Appointments of Councilmembers to various Boards and Commissions for 2017

PREPARED BY: Maria Curiel, City Clerk

STRATEGIC INITIATIVE(S):
Effective & Efficient Government

RECOMMENDED ACTION(S):
Assign Councilmember appointments to the various Boards and Commissions for 2017

BACKGROUND:

Annually, after the selection of Mayor and Vice Mayor, the City Council re-assigns appointments to the various boards and commissions; however, at its last meeting Council opted to postpone assignment of appointments until the vacancy on the City Council is filled. At the meeting, Council also directed staff to provide additional information on the various boards and commissions in regards to meeting frequency, location, etc. A matrix with that information is attached.

DISCUSSION/ANALYSIS:

The following is the list 2016 appointments:

<u>Board/Commission/Committee</u>	<u>Representative</u>
Healdsburg Library Advisory Board	Councilmember Mansell
Senior Advisory Commission Liaison	Councilmember McCaffery
Economic Development Steering Committee	Councilmember Ziedrich, Representative Councilmember Mansell, Alternate
NCPA	Councilmember Plass, Commissioner Councilmember McCaffery, Alternate
TANC	Councilmember Plass, Commissioner Councilmember McCaffery, Alternate
REMIF	Councilmember Ziedrich, liaison (staff has been appointed as the representative)

Mayors' and Councilmembers' Association City Selection Committee	Mayor Chambers
Association of Bay Area Governments	Councilmember Mansell, Delegate
Sonoma County Transportation Authority/ Regional Climate Protection Authority	Mayor Chambers, Representative Councilmember Mansell, Alternate
Chamber of Commerce Board	Councilmember Plass
Marie Sparks Volunteer of the Year Com.	Mayor Chambers
League of California Cities General Assembly	Councilmember Plass, Delegate Councilmember McCaffery, Alternate
Mayors' and Councilmembers' Legislative Committee	Councilmember Plass, Representative Councilmember McCaffery, Alternate
Transportation Adv. Commission Liaison	Councilmember Ziedrich
Indian Gaming Local Community Benefit Com.	Mayor Chambers, Representative All other Councilmembers as Alternates
North County Clean Water Coalition	Councilmember Mansell
Health Action Committee	Councilmember Ziedrich, Representative Mayor Chambers, Alternate
Marin/Sonoma Mosquito & Vector Control Dist.	Councilmember McCaffery
Sonoma County Waste Management Agency	Public Works Director Salmi, Representative Councilmember McCaffery, Alternate
Healdsburg High School Scholarship Committee	Mayor Chambers and Vice Mayor Plass
Community Housing Committee	Councilmember Mansell and Mayor Chambers
Russian River Watershed Association	Councilmember McCaffery, Representative Councilmember Mansell and Public Works Director Salmi, Alternates

In addition to the appointments above, the Northern Sonoma County Air Pollution Control District has expanded its Board of Directors to include representatives from the cities of Healdsburg, Windsor and Cloverdale. See attached correspondence for more information.

In the event that the City Council does not fill the Council vacancy at its January 3, 2017, meeting, staff recommends postponing the assignments until after the vacancy is filled.

ALTERNATIVES:

No other alternatives have been identified.

FISCAL IMPACT:

No fiscal impact is anticipated from the proposed Council action.

ENVIRONMENTAL ANALYSIS:

Pursuant to Title 14, the California Code of Regulations, Section 15302(c) of the California Environmental Quality Act ("CEQA") guidelines, the proposed action is an administrative activity of the City that will not result in direct or indirect physical changes to the environment.

ATTACHMENT(S):
Boards-Commissions Matrix
Air District Board of Directors Update

COUNCIL APPOINTMENTS TO BOARDS AND COMMISSIONS

Board/Commission/Committee	2016 Representative	Meeting Schedule	Time	Overview
Healdsburg Library Advisory Board	Councilmember Mansell	1 st Thursday of March, June, September and December at the Library	4:30 pm	
Senior Advisory Commission Liaison	Councilmember McCaffery	4 th Thursday of every other month (Beginning in January) at the Senior Center	10:00 am	The primary function of the Senior Citizens Advisory Commission is to serve as an advocate for Healdsburg's older adult residents
Economic Development Steering Committee	Councilmember Ziedrich, Representative Councilmember Mansell, Alternate	First Thursday of the month at the Community Center	8:00 am	
Northern California Power Agency (NCPA)	Councilmember Plass, Commissioner Councilmember McCaffery, Alternate	Monthly, usually the last Thursday of the month – meeting location mostly in Roseville (NCPA headquarters) June meeting will be held in Ukiah, July in Murphys and September in Napa	9:30 am	The Northern California Power Agency (NCPA), a California Joint Action Agency, was established in 1968. Healdsburg is a founding member. NCPA procures energy for its members to ensure an affordable, reliable, and clean supply of electricity for customers in its member communities
Transportation Agency of Northern California (TANC)	Councilmember Plass, Commissioner Councilmember McCaffery, Alternate	Once a month – the day before the NCPA Commission – meeting location, TANC office in Folsom	10:00 am	Healdsburg is a member of TANC through a joint powers agreement to provide electric transmission to its Member utilities through transmission line ownership or contract arrangements.
Redwood Empire Municipal Insurance Fund	Councilmember Ziedrich, liaison (staff has been appointed as the representative)	Meets on a quarterly basis – location of meeting changes		Redwood Empire Municipal Insurance Fund (REMIF) is a self-insured joint powers authority (governmental entity) established in 1976 to handle the insurance claims, benefit programs, and risk management needs of fifteen (15) member cities. Healdsburg is a member
Mayors' and Councilmembers Association City Selection Committee and Mayors and Councilmembers Association Board of Directors	Mayor Chambers, representative Councilmembers as alternates	Second Thursday every other month – 2017 schedule, 2/9 in Cotati, 4/13 in Healdsburg 6/8 in Petaluma, 8/10 in Rohnert Park and 10/12 in Santa Rosa	6:00 P.M.	

Attachment: Boards-Commissions Matrix (1451 : Council appointments to Boards and Commissions)

Association of Bay Area Governments	Councilmember Mansell, Delegate	Meets twice a year; usually June and October in Oakland		ABAG was created by local governments to meet their planning and research needs related to land use, environmental and water resource protection, disaster resilience, energy efficiency
Sonoma County Transportation Authority/Regional Climate Protection Authority	Mayor Chambers, Representative Councilmember Mansell, Alternate	Second Monday of each month in Santa Rosa	2:30 pm	The SCTA acts as the countywide planning and fund programming agency for transportation, project management, planning, finance, grant administration and research.
Chamber of Commerce Board	Councilmember Plass	Third Thursday of the month at the Chamber Office	8:00 am	The City contracts with the Chamber to administer the Downtown Business District
Marie Sparks Volunteer of the Year Committee	Mayor Chambers	Once a year to select the recipient of the award in March/April		Following Marie Sparks' death in April 1995, the City Council created the annual Marie Sparks Memorial Volunteer Award to honor Marie's giving and unselfish spirit of service to Healdsburg through volunteerism.
League of California Cities General Assembly	Councilmember Plass, Delegate Councilmember McCaffery, Alternate	Once a year as part of the League of California Cities usually at the end of September – location varies from southern and northern California		The League of California Cities is an association of California city officials who work together to enhance their knowledge and skills, exchange information, and combine resources so that they may influence policy decisions that affect cities. Healdsburg is a member.
Mayors' and Councilmembers' Legislative Committee	Councilmember Plass, Representative Councilmember McCaffery, Alternate	3rd Friday each month at the Finley Center in Santa Rosa	9:00 AM	As part of the Mayors and Councilmembers Association, the committee meets to review legislation that affects Sonoma County cities
Transportation Adv. Commission Liaison	Councilmember Ziedrich	Meets quarterly, 1 st Thursday of the month in the City Hall Council Chamber	5:15 pm	Address various public transportation issues
Indian Gaming Local Community Benefit Committee.	Mayor Chambers, Representative All other Councilmembers as Alternates	Once a year to consider grant applications		
Clean Water Coalition of Northern Sonoma County	Councilmember Mansell	No regular meeting schedule – Coalition has not met for quite some time		The Coalition is comprised of local groups and individuals within the agriculture valleys in N. So. Co. focused on preserving groundwater and surface water quality and availability

Attachment: Boards-Commissions Matrix (1451 : Council appointments to Boards and Commissions)

Health Action	Councilmember Ziedrich, Representative Mayor Chambers, Alternate	Meets quarterly March, June, September, December in Santa Rosa	7:30 am – 10:00 am	In August 2007, the Sonoma County Board of Supervisors authorized the Department of Health Services to convene a health action council (now called “Health Action”) to work on improving health and health care for all Sonoma County residents. Health Action’s over-arching mission is .community health improvement
Marin/Sonoma Mosquito & Vector Control District	Councilmember McCaffery	Second Wednesday of each month in Cotati	7:00 pm	The District protects public health and welfare of the communities from mosquitoes and vector-borne disease through an Integrated Vector Management Program
Sonoma County Waste Management Agency	Public Works Director Salmi, Representative Councilmember McCaffery, Alternate	Monthly meetings on the third Wednesday in Santa Rosa	8:00 am	The Agency, formed in April 1992, is the joint powers authority of the nine incorporated cities and the County of Sonoma. The mission of the Agency is waste diversion required by State law AB939. The Agency's programs include household hazardous waste, composting, wood waste recycling, planning and education.
Healdsburg High School Scholarship Committee	Mayor Chambers and Vice Mayor Plass	Once a Year, prior to end of school year		
Community Housing Committee	Councilmember Mansell and Mayor Chambers	Meets monthly - second Monday in the Council Chamber	6:00 pm	The role of the Committee is to advise the City Council on matters relating to policies and programs which will serve to further workforce and affordable housing inventories and programs
Russian River Watershed Association	Councilmember McCaffery, Representative Councilmember Mansell and Public Works Director Salmi, Alternates	Meetings are held in Windsor February 23, 2017 April 27, 2017 July 27, 2017 September 28, 2017 December 7, 2017	9:00 am – 11:00 am	The association works to promote cooperation and implementation of projects that protect watershed resources, restore fisheries and improve water quality at reduced cost to our member agencies and communities they serve
Northern So. Co. Air Pollution Control District Board of Directors	New appointment	To be determined	TBD	The District is one of 35 California air districts established to regulate the emissions of air pollution

Attachment: Boards-Commissions Matrix (1451 : Council appointments to Boards and Commissions)



November 29, 2016

RE: Update on the Northern Sonoma County Air Pollution Control District invitation to include local government on its Board of Directors.

Dear city and county colleagues:

I hope the start of the Holiday season finds you well. The Northern Sonoma County Air Pollution Control District (District) has been busy preparing for the expansion of the District Board of Directors (BOD) and would like to share a quick update. ***Please note, the first meeting of the “new” BOD will be held January 30, 2017;*** details below.

Board Composition. All three cities within the jurisdiction of the Air District have been invited to participate on the District BOD (Cloverdale, Healdsburg and Windsor), and all have accepted the invitation. The three County of Sonoma Supervisors with supervisorial districts in the District will have default assignments on the District BOD and include: District 4 (James Gore); District 5 (Lynda Hopkins); and District 1 (Susan Gorin). Since all three cities have accepted the invitation, pursuant to the November 1st BOD resolution, the Sonoma County Board of Supervisors (BOS) will select a fourth county supervisor so that the newly formed BOD will have an odd number of members. We will discuss possible length of term options at our first meeting.

First Meeting Order of Business. The first meeting will include some important business items including: adopting District bylaws, which will include a discussion to determine our regular meeting locations and times; approving an MOU that outlines specific administrative support services the District proposes to contract from the County of Sonoma through its various departments; and the District air quality plan. The bylaws will include standard provisions that address requirements of California Health and Safety Code and California Government Code for BOD business and meetings. The MOU will identify the relationship between the County and the District, including services from the County to the District in 2017. A District air quality plan will be presented that overviews the “state of the District” including air quality, program priorities, and grant fund implementation.

First Meeting Logistics. The county and the three cities each need to select a representative for the District BOD. It is my understanding that this will occur as follows: Sonoma County BOS on January 10th; the City of Healdsburg on December 19th; the City of Cloverdale on January 10th; and the City of Windsor on January 18th. ***Please verify that these dates are correct and that the District is listed on your committee selection list.*** As a reminder, I encourage the cities to select an alternate to support the primary representative with their participation.

The City of Healdsburg has graciously offered its city council chambers for the first meeting, scheduled for Monday, ***January 30th at 6:00 PM.*** Directly following the meeting, the District would like to invite the BOD, stakeholders, and members of the public to a meet-and-greet open house at the District office, nearby in Healdsburg, on 150 Matheson Street.

If you have any questions or concerns, or if you would like the District to provide a presentation, please feel free to contact me at 565-7127. The District team and I look forward to seeing you on January 30th and wish you and your family a wonderful Holiday season.

Sincerely,



Rob Bamford
Air Pollution Control Officer/EO
Northern Sonoma County APCD



CITY OF HEALDSBURG CITY COUNCIL AGENDA STAFF REPORT

MEETING DATE: January 3, 2017

SUBJECT: Update on the vacancies on the Parks and Recreation, Senior Citizen Advisory, Transportation Advisory Commissions and Community Housing Committee

PREPARED BY: Maria Curiel, City Clerk

STRATEGIC INITIATIVE(S):
Effective & Efficient Government

RECOMMENDED ACTION(S):

(1) Discuss the composition of the Council Subcommittees and provide direction to staff; and (2) by motion, appoint Council Subcommittees to interview the applicants for the Community Housing Committee, Parks and Recreation Commission, Transportation Advisory Commission and Senior Citizens Advisory Commission

BACKGROUND:

The City Council has formed the following Commissions/Committees to advise the Council on matters relating to issues, policies and programs that affect the community at large:

Community Housing Committee
Parks and Recreation Commission
Planning Commission
Senior Citizens Advisory Commission
Transportation Advisory Commission

As of January 1, 2017, the following vacancies will exist:

Community Housing Committee	two (2) vacancies
Parks and Recreation Commission	three (3) vacancies
Senior Citizens Advisory Commission	three (3) vacancies
Transportation Advisory Commission	three (3) vacancies

At its December 19, 2016 meeting, the Council postponed action on the formation of Council Subcommittees to interview the applicants until the vacancy on the City Council is filled; and

extended the deadline to submit applications until January 3, 2017 at 4:00 P.M.

DISCUSSION/ANALYSIS:

Originally, staff advertised the vacancies in the Healdsburg Tribune, on the homepage of the City's website and social media and an e-mail was sent to the City's website subscribers. The extension of the deadline to submit applications was posted on the homepage of the City's website and social media and an e-mail was sent to the City's website subscribers.

To date, three (3) applications were received for the Community Housing Committee, eight (8) for the Parks and Recreation Commission; three (3) for the Senior Citizens Advisory Commission and four (4) for the Transportation Advisory Commission. At the meeting, staff will give an update on the total number of applications received by deadline.

In the event that the City Council vacancy is not filled on January 3, 2017, staff recommends that the Council postpone the appointment of Council Subcommittees until the vacancy is filled. The current commissioners would continue to serve in their capacities until a successor is appointed.

Also at the last meeting, Council discussion ensued regarding the composition of the Council Subcommittees and possible alternatives on how to interview the applicants to increase transparency.

ALTERNATIVES:

No other viable options have been identified.

FISCAL IMPACT:

No fiscal impact is anticipated from the proposed action.

ENVIRONMENTAL ANALYSIS:

Pursuant to Title 14, the California Code of Regulations, Section 15302(c) of the California Environmental Quality Act ("CEQA") guidelines, the proposed action is an administrative activity of the City that will not result in direct or indirect physical changes to the environment.

ATTACHMENT(S):