

Charter Review Commission Meeting Tuesday, January 19, 2010 Civic Center Meeting Rooms 1 & 2 5:30 p.m.

Members:

Rita Brohman, Rex Clark, Paul Frank, Janice Hanson, Rick Hoem,

Cathy Macaulay, Aldo Pineschi, and James Viele

Staff:

City Attorney Brita Bayless, City Clerk Sonia Orozco, Deputy City Manager

Julia Burrows, Assistant City Clerk Audrey Byrnes

AGENDA

- 1. Call to Order
- 2. Approval of Minutes December 21, 2009
- 3. Public Comments (On Items Not Appearing on the Agenda)
- 4. Old Business/Follow-up:
 - a) Project Labor Agreements Continued from December 21, 2009
 - b) Procedure to Elect/Appoint Mayor Continued from December 21, 2009
- New Business:
 - a) Council/Manager Relationship
 - b) <u>Correspondence Submitted from Ted Hovanec:</u>
 Written Hiring Policies and Procedures for City Managers or Appointees
- Comments/Members/Public
 PLEASE NOTE: Comments on Items Not Listed on the Agenda or on Any Matters Requiring
 Committee Discussion or Action Will Be Listed on a Future Agenda
- 7. Adjournment

Next Meeting/Forum: NOTE DATE CHANGE: Rescheduled to Tuesday, February 16, 2010 at 5:30 p.m. at the Martha Riley Library, 1501 Pleasant Grove Blvd., Roseville, CA 95747



Minutes Charter Review Commission Meeting

Monday, December 21, 2009 Civic Center Meeting Rooms 1 & 2 5:30 p.m.

1. Call to Order

Members Present

Paul Frank
Janice Hanson
Rex Clark
Aldo Pineschi
Rita Brohman
Cathy Macaulay
Rick Hoem

Staff Present

Brita Bayless, City Attorney Sonia Orozco, City Clerk Audrey Byrnes, Assistant City Clerk

2. Minutes Approval

James Viele

Motion to approve the Minutes of November 16, 2009.

Moved by Macaulay, seconded by Hoem

Vote: Motion carried 8-0

3. Public Comments

No public comment received

4. Old Business/Follow-up

A. Update – Local Vendor Preference Policy - Proposed Wording City Clerk Orozco presented item and City Attorney Bayless read aloud proposed amendment wording.

Wendy Gerig, Roseville Chamber of Commerce – Spoke on dual language, suggesting language be included in the Charter and in an ordinance.

Motion to approve Local Vendor Preference Policy proposed wording as presented.

Moved by Brohman, seconded by Frank

Vote: Motion carried 8-0

B. Project Labor Agreements – Follow-up and Question/Answer Session with Roseville Electric representative regarding Roseville Energy Park Project Assistant Electric Utility Director Tom Green made the presentation to Commission.

Charter Review Commission Minutes – December 21, 2009

Wendy Gerig, Roseville Chamber of Commerce – Spoke on exception to Green's presentation and comments, and cited fair bidding practices had nothing to do with politics as stated by Green.

Matt Kelly, Sacramento Building & Trade Council – Spoke in support of Project Labor Agreements.

Paul Cunha, SD Deacon Corp. – Spoke in opposition to Project Labor Agreements.

Jim Hines, Rex Moore – Spoke in opposition to Project Labor Agreements.

Eric Christen, Coalition for Fair Employment in Construction – Spoke in opposition to Project Labor Agreements.

Nicole Goehing, ABC Golden Gate – Spoke in opposition to Project Labor Agreements.

Richard Markuson, WECA, AFSA, PHCC, ACTA – Spoke in opposition to Project Labor Agreements.

Marco Hernandez – Spoke on importance of apprentice programs for educational purposes.

Rob Carrion, OES – Spoke in support of Project Labor Agreements.

Darryl Vasko, Vasko Electric Inc. – Spoke in opposition to Project Labor Agreements.

Sajit Raja – Spoke in opposition to increased costs for municipal projects.

Richard Roccucci – Spoke in reference to Sacramento Bee article regarding lawsuits filed against the City of Sacramento in regard to the rail yard project.

Citizen – Spoke in support of Project Labor Agreements.

Commission discussion

Commission consensus to await more information, and continue the item to the January 2010 Charter Review Commission meeting.

C. Reconsideration Items:

- 1. Letter Submitted by Richard Roccucci
 - Procedure to Elect/Appoint Mayor

Richard Roccucci spoke citing 12/21/09 correspondence received regarding rotation of Mayor position.

Commission discussion

Commission consensus for staff to bring forth rotating Mayoral examples.

- 2. Letters submitted by: James Berg, Cresthaven Neighborhood Association, Mary Jo Lawrence, Mary Clark, and Wesley Clark Various Topics Including:
 - Expand Council to Seven (7) Members
 - District Elections
 - Council Vacancies/Appoint Next Highest Vote
 - Setting Campaign Finance Limits
 - Councilmember Pay Increase
 - Term Limits
 - Process for Appointment of Planning Commissioners

Expand Council to Seven (7) Members

Commission consensus to not revisit item.

District Elections

Commission consensus to not revisit item.

Council Vacancies/Appoint Next Highest Vote

Commission consensus to not revisit item.

Setting Campaign Finance Limits

Commission consensus to not revisit item.

Councilmember Pay Increase

Commission discussion

Motion to repeal previous action and to not increase Mayor stipend.

Moved by Brohman, seconded by Pineschi

Vote: Motion carried 6-2 (Clark and Macaulay – NO)

Term Limits

Commission consensus to not revisit item.

Process for Appointment of Planning Commissioners

Commission consensus that appointment process of Planning Commissioners is not stipulated in the Charter, therefore not under the purview of the Charter Review Commission.

5. New Business

a) Charter Position/City Clerk – Appointment Options (Manager of City Council)
Commission discussion

Commission consensus to leave City Clerk position as is, via appointment by City Manager.

Charter Review Commission Minutes – December 21, 2009

6. Comments/Members/Public

PLEASE NOTE: Public Comments on Items Not Listed on the Agenda or on Any Matters Requiring Committee Discussion or Action Will Be Listed on a Future Agenda

Commissioner Brohman requested future agenda item on Section 2.09 regarding Council/Manager relationships. Committee consensus to list requests on upcoming agenda.

Don Brown – Requested Charter Review Commission meetings be listed on the City of Roseville website calendar.

Lauren Bergeron – Spoke on Mayor vacancy and appointment concerns.

Gary Miller – Suggested use of microphones during meetings.

Rene Aguilera – Inquired if citizens can process citizen driven initiatives.

Jim Williams – Spoke regarding candidates forum at election time.

7. Adjournment

Motion to adjourn the meeting at 7:13 p.m. Moved by Macaulay, seconded by Frank

Vote: Motion carried 8-0

APPROVED DATE: J	anuary 19, 2010
Rex Clark, Chairma	n
ATTEST:	
Audrey Byrnes, Assis	tant City Clerk

Council Communica

8756 City Clark Use Only

June 17, 2004

Labor Agreements for the Roseville Energy Park

CONTACT: Tom Habashi / 5602 / thabashi@roseville.ge.us

Meeting Date: July 7, 2004

SUMMARY RECOMMENDATION

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a series of related agreements for the provision of labor to the Rossville Energy Park (REP):

Project Labor Agreement (PLA)

- Maintenance Labor Agreement (MLA)
- Neutrality Agreement
- Transmission Construction Agreement
- Lead Agreement

BACKGROUND

The REP is currently in the permit review phase, with the California Energy Commission (CEC) as the lead CEQA agency. The State Building & Construction Trades Council of California, together with local building trades unions, have intervened in the REP permitting process at the CEC via the entity California Unions for Reliable Energy (CURE). CURE has taken an active tole on almost all power plant applications reviewed by the CBC. Virtually all power plant construction as well as operation and maintenance (O&M) activities within California have been performed using union labor or have been organized under union representation. Thus, for construction, the unions offer a large pool of experienced labor for all crafts. The 20 months construction phase will require an average workforce of 114 skilled craft workers. The PLA offers the City, among other benefits, access to this existing akilled workforce as well as protections against strikes. For O&M, staff is evaluating wither to self-perform the work or hire an O&M contractor for an initial term of at least 5 years. In the case of self-perform, it is expected that the manual workers would fall under the existing ISEW 1245 organization. In the case of hiring an O&M contractor, the Neutrality Agreement would require the City to not intervene in the worker's attempts to organize under union representation. Additionally, the MLA would require any major maintenance work to be performed by union contractors. The Cooperation Agreement provides the City certain assurances that CURE and the unions will cooperate with the process of permitting the project. The Transmission Construction Agreement assures that the construction of the transmission interconnection and electrical switchyard will be performed in accordance with the Collective Bargaining Agreement with IBEW 1245 and would not be subject to the PLA.

While the City will sign the PLA, the City has no intention of ever directly performing work covered by the PLA with City forces (employees), rather this work will be performed by a contractor(s) hired by the City. Moreover, since the terms of the PLA differ from City's existing MOU's with its employee unions, the work covered by the PLA will NOT be performed by City forces. Under the terms of the PLA, the City's obligations will be shifted and assigned to the contractor at the moment the City awards the project and enters into a project construction agreement with the contractor. Accordingly, City's existing MOU's are respected and will not

be violated. Under the MLA and Neutrality agreements, work by City forces is exempt from the

FISCAL IMPACT

The agreements are not expected to increase cost due to wage rates, as the City is already obligated to use prevailing wage rates in all contracts. The PLA requires payment by the construction contractor (thus a cost to the City) of a supplemental \$025 per hour contribution to a union trust fund. The total payment under this contribution for the construction phase is estimated to be less than \$100,000.00. It is not possible to assess labor productivity differentials between union and non-union contractors, but the existing experienced union labor pool would help to mitigate any possible increases due to union work rules.

ENVIRONMENTAL REVIEW

Entering into these agreements is not considered a "project" as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines \$15378) Consequently no CEQA action is required by the City. The CEC is the lead CBQA agency under the permitting process for the REP project.

RECOMMENDATION

This recommends City Council adopt a resolution authorizing the City Manager to execute amendments to the five listed agreements.

Submitted by:

REP Project Manager

Tom Habashi Electric Utility Director

APPROVED:

Communication No 8757 - File 0906). CONTACT: Derrick Whitehead 774-5770 dwhitehead@roseville.ca.us

41. DROPPED FROM AGENDA - Roseville Energy Park Labor Agreements - Medio from Roseville pergy Park Project Manager Bob Hren and Electric Utility Director Tom Habashi commending Reservice Energy Park (REP): RESOLUTION NO.04-275 approving a Project Labor Agreement (PLA) for the Roseville Energy Park with the State Building and Construction Trades Council of California and the Sacramento-Sierra Building and Construction Trades Council; and, RESOLUTION NO.04-276 approving a Maintenance Agreement for the Roseville Energy Park with the State Building and Construction Trades Council of California and the Sacramento, Yolo, Amador, Nevada, Placer, El Dorado, Sierra Building and Construction Trades Council; and, RESOLUTION NO.04-277 approving a Neutrality Agreement for the Roseville Energy Park with Local 1245, International Brotherhood of Electrical Workers; and, RESOLUTION NO.04-278 approving a Transmission Construction Agreement for the Roseville Energy Park with Local 1245, International Brotherhood of Electrical Workers; and, RESOLUTION NO.04-279 approving a Lead Agreement for the Roseville Energy Park with the California Unions for Reliable Energy. The agreements are not expected to increase cost due to wage rates, as the City is already obligated to use prevailing wage rates in all contracts. The PLA requires payment by the construction contractor (thus a cost to the City) of a supplemental \$0.25 per hour contribution to a union trust fund. The total payment under this contribution for the construction phase is estimated to be less than \$100,000. It is not possible to assess labor productivity differentials between union and non-union contractors, but the existing experienced union pool would help to mitigate any possible increases due to union work rules, (Council Communication No.8756 - File 0903).

CONTACT: Tom Habashi 774-5602 thabashi@roseville.ca.us (07:08 PM)

42. Municipal Code Amendment - Removal of Temporary Signs - Memo from Building Official Gene Paolini and Director of Public Works/City Engineer Rob Jensen recommending Council introduce for first reading ORDINANCE AMENDING SECTION 17.12.020 OF CHAPTER 17.12 OF TITLE 17 OF THE ROSEVILLE MUNICIPAL CODE REGARDING REMOVAL OF TEMPORARY SIGNS, (Council Communication No.8710 - File 0501-02).

CONTACT: Gene Paolini 774-5332 gpaolini@roseville.ca.us

43. REMOVED FROM THE CONSENT CALENDAR - 1431 Rocky Ridge Drive (Sullivan Auto Group Parking Facility) Rezone and Development Agreement Amendment - ORDINANCE NO.4095 REZONING CERTAIN REAL PROPERTY LOCATED AT NORTHEAST ROSEVILLE SPECIFIC PLAN PARCEL 4B, from Attached Housing (R3) to General Commercial/Special Area (GC/SA), for second reading and adoption; and, ORDINANCE NO.4096 ADOPTING AN AMENDMENT TO DEVELOPMENT AGREEMENT WITH THE ROSEMEAD, LLC, AND AUTHORIZING THE CITY MANAGER TO EXECUTE IT ON BEHALF OF THE CITY OF ROSEVILLE, for second reading and adoption, (File 0406-02-05 & 0401-03-06).

CONTACT: Michael Isom 774-5276 misom@roseville.ca.us (07:10 PM)

Removed by Associate Planner Mike Isom to clarify amendments to an exhibit.

No public comment received.

Motion: Adopt ORDINANCE NO. 4095 REZONING CERTAIN REAL PROPERTY LOCATED AT NORTHEAST ROSEVILLE SPECIFIC PLAN PARCEL 4B.

Moved by Councilmember Richard Roccucci, seconded by Councilmember John Allard.

Vote: Motion carried 4-0.

Yes: Councilmember John Allard; Councilmember Richard Roccucci; Councilmember Jim

Gray; Mayor Rocky Rockholm

Absent: Mayor Pro Tempore Gina Garbolino

44. REMOVED FROM THE CONSENT CALENDAR - 3050 Woodcreek Oaks Boulevard (NWRSP Parcel 77-Rosepark) Rezone and Development Agreement Amendment - ORDINANCE NO.4097 REZONING CERTAIN REAL PROPERTY LOCATED AT 3050 WOODCREEK OAKS BOULEVARD (NORTHWEST ROSEVILLE SPECIFIC PLAN PARCEL 77-ROSEPARK), changing the zoning from Business Professional/Special Plan (BP/SA-NW) to Residential Small Lot with Development Standards (RS/DS, P/QP, and OS), for second reading and adoption; and, ORDINANCE NO.4098 ADOPTING A FOURTH AMENDMENT TO DEVELOPMENT AGREEMENT REGARDING THE NORTHWEST

COUNCIL COMMUNICATION

B795 City Clark Use Only

July 12, 2004

Labor Agreements for the Roseville Energy Park

CONTACT: Tom Habashi / 5602 / thabashi@roseville.ca.us

Meeting Date: July 21, 2004

SUMMARY RECOMMENDATION

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a series of related agreements for the provision of labor to the Roseville Energy Park (REP):

- Project Labor Agreement (PLA)
- Maintenance Agreement (MA)
- Neutrality Agreement
- Transmission Construction Agreement
- Lead Agreement

BACKGROUND

Overall Objective

The City of Roseville and Roseville Electric (RE) are committed to providing the most reliable and affordable cost of electric power to its ratepayers and at the same time to do so in an environmentally responsible manner. The changes underway and anticipated within the California electric power industry make it essential for RE to look forward and position itself to maintain its competitive and reliable position. To that end, given the uncertainty of future supplies to meet load growth within the state and other regulatory changes, the REP is expected to be a cornerstone of giving RE the ability to meet the challenges of providing reliable and affordable power to its customers.

Status of REP Permitting

The REP is in the middle of a permit review process under the California Energy Commission (CEC) which has the sole authority to license power projects the size of REP. An organization called California Unions for Reliable Energy (CURE) has in the past intervened on most power projects in the CEC process. On those projects that agree to a PLA and the related other agreements, CURE's involvement has been light and supportive. On those projects that do not sign PLA's, CURE's involvement has been heavy and adverse to the interests of the project sponsor. CURE is the only intervenor on the REP permit before the CEC and is in position to adversely influence the REP under the CEC permitting process. The liberal CEC procedures maximize public access to the process, thus providing an effective format for opposing a permit application. To prevent

AGENDA ITEM

distription and delay of the REP permitting process due to actions by CURE, a PLA and associated other agreements (together, the Project Agreements, or PA's) have been negotiated with CURE. These agreements are essentially the same as similar agreements entered for the City of Santa Clara's power project now under construction. These agreements would remove CURE as an adverse intervenor against the project and place them in a position of supporting the project permitting process. However, as with any business decision, there are pros and const of taking any course of action. The key question for the City and RE is what is the cost of proceeding under a PLA vs resisting a PLA. These points are addressed in more detail below.

Cost of a PLA

Unfortunately, no hard facts or data exist to estimate the cost of implementing a PLA for a power project.

The following are known facts that relate to this issue:

- Virtually all power plant construction in CA has been performed under a
 PLA and has used union craft labor. Thus, the skilled craft laborers with
 experience on power plants are nearly all union. This post of experienced
 craft labor could offset any potential higher costs associated with union
 work rules that may affect productivity.
- The City must require its contractors to use, as a minimum, prevailing wages, which are close to or the same as union wages.
- The FLA will require a 25 cent payment (for each hour of construction labor worked) to the union trust fund, totaling about \$100,000 during the construction phase.

The following are best characterized as anecdotal, as no known data exists to support either position:

- The anti-union lobby claims a 20% labor cost premain under a PLA.

 Because union and non-union labor rates are essentially the same, if this is true, it must be based on less efficient union work rules and resulting lower productivity. For REP, if this is true, it would result in approximately a \$6 million additional cost for the project, which is estimated to cost in the \$150 million range. However, the REP cost estimate already assumes a PLA and union labor.
- The unions and CURE claim there is no cost premium under a PLA.

Bottom line for a PLA: enywhere from zero to \$6 million cost impact plus no loss of schedule and less risk.

Cost of Resisting a PLA:

Based on actual power plant experiences in California, the potential costs of resisting a PLA for REP are estimated below:

- Extra consultant and legal costs to respond to permitting challenges: \$3 to \$5 million. This results from responding to extra data requests, preparing additional technical and environmental impact data, hiring expert witnesses to testify at formal hearings, possibly defending legal challenges to the permit, etc.
- Additional environmental mitigation costs as a result of challenges under the permitting process: difficult to predict, but could range from zero to \$10 million or more for the REP
- Project schedule delay of ~18 months due to permitting challenges, both at the CEC, other agencies, and in court. This would result in a delay of REP commercial operation from January, 2007 to July, 2008.
- REP would provide over half of the City's electricity; if REP is delayed the City will be forced to enter the marketplace to purchase replacement power. The normal cost of this 18 month supply of replacement power, if purchased under long term contracts, would be about \$70 million. However, this price would be subject to uncertainty and market pricing risks that could increase this cost. (For example, if the replacement power cost were to increase by 10% due to a rise in market prices, the cost would increase by \$7 million and would require a rate increase.) Because of the uncertainty of any REP permitting schedule delay, this replacement power may need to be purchased under short term contracts, which carry additional price volatility and supply risk.
- A rebound in power plant construction is expected to meet forecasted energy shortages in the State in 2007 and beyond. An 18-month delay in constructing REP will expose the project to higher equipment and construction costs resulting from this increased demand.
- An 18 month delay would continue the City's exposure to bottlenecks in the state's transmission infrastructure and the risk of interruptions of power.

Bottom line to resist a PLA: anywhere from \$3 million to \$15 million or more cost impact, not including the risk of higher replacement power costs and rate increases, 18 month delay, plus greater risk and uncertainty.

Scope of the PA's:

It is the intent for the City to hire a contractor to perform the construction for the REP. The PLA in effect requires all covered construction laborers to be union members. For operation and maintenance (O&M), staff is evaluating whether to self-perform the work or hire an O&M contractor for an initial term of at least 5 years. In the case of self-perform, it is expected that the manual workers would

fall under the existing IBEW 1245 organization that represents covered RE employees. In the case of hiring an O&M contractor, the Neutrality Agreement would require the City to not intervene in the worker's attempts to organize under union representation. Additionally, the MA would require any major maintenance work to be performed by union contractors, unless the work is performed by City employees, the plant operator or by the Northern California Power Agency (NCPA). The Cooperation Agreement provides the City certain assurances that CURE and the unions will cooperate with the process of permitting the project. The Transmission Construction Agreement assures that the construction of the transmission interconnection and electrical switchyard will be performed in accordance with the Collective Bargaining Agreement with IBEW 1245 and would not be subject to the PLA.

While the City will sign the PLA, the City has no intention of ever directly performing work covered by the PLA with City forces (employees), rather this work will be performed by a contractor(s) hired by the City. Moreover, since the terms of the PLA differ from City's existing MOU's with its employee unions, the work covered by the PLA will NOT be performed by City forces. Under the terms of the PLA, the City's obligations will be shifted and assigned to the contractor at the moment the City awards the project and enters into a project construction agreement with the contractor. Accordingly, City's existing MOU's are respected and will not be violated. Under the MLA and Neutrality agreements, work by City forces is exempt from the agreement.

FISCAL IMPACT

The agreements are not expected to increase cost due to wage rates, as the City is already obligated to use prevailing wage rates in all contracts. The PLA requires payment by the construction contractor (thus a cost to the City) of a supplemental 25 cent per hour contribution to a union trust fund. The total payment under this contribution for the construction phase is estimated to be less than \$100,000.00. It is not possible to assess labor productivity differentials between union and non-union contractors, but the existing experienced union labor pool would help to mitigate any possible increases due to union work rules.

ENVIRONMENTAL REVIEW

Entering into these agreements is not considered a "project" as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines §15378). Consequently no CEQA action is required by the City. The CEC is the lead CEQA agency under the permitting process for the REP project.

RECOMMENDATION

All business decisions are a balance of weighing the pros and cons. In this instance, there are also fundamental philosophical issues to weigh. An agreement for exclusively union labor on a City construction project is a different approach

than previous City practice. However, at risk is the City's ability to serve its customers in the best manner. This is not a pro- or anti-union decision, it is a decision on how to best protect the interests of the City and the ratepayers. From a business decision basis and given the pros and cons of the two options, the staff's recommendation is to proceed with the PLA.

This recommends City Council adopt a resolution authorizing the City Manager to execute amendments to the five listed agreements.

Submitted by:

Tom Habashi

Electric Utility Director

APPROVED:

W. Craig Robinson City Manager

CONTACT: Gene Paolini 774-5332 gpaolini@roseville.ca.us

34. Vista Oaks Subdivision, Parcel 16 & 17 (Stoneridge Specific Plan) Affordable Purchase Housing Development Agreement - For second reading and adoption of ORDINANCE NO.4103 APPROVING AN AFFORDABLE PURCHASE HOUSING DEVELOPMENT AGREEMENT FOR STONERIDGE SPECIFIC PLAN (PARCELS 16 & 17 - VISTA OAKS) AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY OF ROSEVILLE, (File 0709-01 & 0403-06-01).

CONTACT: Jan Shonkwiler 774-5242 jshonkwiler@roseville.ca.us

35. 10800 Industrial Avenue (South Placer Justice Center) Rezone (RZ 03-08) - For second reading and adoption of ORDINANCE NO.4104 PREZONING CERTAIN REAL PROPERTY LOCATED WITHIN UNINCORPORATED PLACER COUNTY (NORTH INDUSTRIAL PLAN), to assign preliminary zoning of General Industrial (M2) to + 6 acres of the project site in preparation for annexation, (File 0406-02 & 0404-01-01).

CONTACT: Michael Isom 774-5276 misom@roseville.ca.us

- 36. Space Planning for Dedicated CNG Bus Service Area in Existing City Garage, and Transit Drivers Access to Restrooms in the Downtown Corridor - Budget Adjustment - Memo from Assistant Central Services Director Tom Goldie and Central Services Director William Stephens recommending transfer of \$18,000 from the Transit Fund to be transferred to the Building Maintenance Remodel account to facilitate the funding of two projects requested by Roseville Transit and introduce and adopt ORDINANCE NO.4105 AUTHORIZING CERTAIN AMENDMENTS TO THE 2004-05 BUDGET AND DECLARING THIS ORDINANCE TO BE IMMEDIATELY EFFECTIVE AS AN APPROPRIATION MEASURE, (Council Communication No.8771 - File 0204-24). CONTACT: Tom Goldie 774-5706 tgoldie@roseville.ca.us
- 37. State of California Flex Your Power at the Pump Initiative Memo from Public Relations Director Linda Chou and Roseville Electric Director Tom Habashi recommending Council by motion approve the collaborative effort by Electric and Transportation in working together to educate Roseville city employees and the public of gasoline efficiency and energy conservation measures, (Council Communication No.8768 - File 0903-02).

CONTACT: Linda Chou 774-5625 Ichou@roseville.ca.us

38. Citizen Corp Council Membership - Memo from Fire Chief Ken Wagner recommending Council approve, by motion, the recommended membership of the Citizen Corp Council . This Citizen Corp Council will advise the City on training and development of Community Emergency Response Teams (CERT) via grant funding from the Federal Emergency Management Agency (FEMA). This act of revision has no impact on the approximate \$12,000 grant funding for CERT and Citizen Corp, (Council Communication No.8762 - File 0330).

TTACT: Mary Lou Pierce 114-3001 CONTACT: Mary Lou Pierce 774-5837 mpierce@roseville.ca.us

RESOLUTIONS (07:56 PM)

39. Roseville Energy Park Labor Agreements - Memo from Roseville Energy Park Project Manager Bob Hren and Electric Utility Director Tom Habashi recommending Council adopt the following Resolutions for the provision of labor to the Roseville Energy Park (REP): RESOLUTION NO.04-275 approving Construction Trades Council of Collifornia and the Construction Trades Council of California and the Sacramento-Sierra Building and Construction Trades Council; and, RESOLUTION NO.04-276 approving a Maintenance Agreement for the Roseville Energy Park with the State Building and Construction Trades Council of California and the Sacramento, Yolo, Amador, Nevada, Placer, El Dorado, Sierra Building and Construction Trades Council; and, RESOLUTION NO.04-277 approving a Neutrality Agreement for the Roseville Energy Park with Local 1245, International Brotherhood of Electrical Workers; and, RESOLUTION NO.04-278 approving a Transmission Construction Agreement for the Roseville Energy Park with Local 1245, International Brotherhood of Electrical Workers;

and, RESOLUTION NO.04-279 approving a Lead Agreement for the Roseville Energy Park with the California Unions for Reliable Energy. The agreements are not expected to increase cost due to wage rates, as the City is already obligated to use prevailing wage rates in all contracts. The PLA requires payment by the construction contractor (thus a cost to the City) of a supplemental \$0.25 per hour

contribution to a union trust fund. The total payment under this contribution for the construction phase is estimated to be less than \$100,000. It is not possible to assess labor productivity differentials between union and non-union contractors, but the existing experienced union pool would help to mitigate any possible increases due to union work rules, (Council Communication No.8795 - File 0903). CONTACT: Tom Habashi 774-5602 thabashi@roseville.ca.us (07:56 PM)

Electric Utility Director Tom Habashi made the presentation to Council.

Scott Gallati, Attorney with Gallati and Blek, representing Roseville Electric - Sacramento - assisted in making presentation.

Roseville Energy Park Project Manager Robert Hren summarized components of proposed agreements.

Bob Balgenorth, President of State Building Trades Council and Chairman of California Unions for Reliable Energy (CURE) - Folsom - Spoke in support of Project Labor Agreement.

Kevin Dayton, Vice President of Government Affairs Golden Gate Chapter of Associated Builders and Contractors - Dublin - Spoke in opposition to the Project Labor Agreement.

AC Stillman, Business Manager of Local 340 International Brotherhood of Electrical Workers - Roseville - Spoke in support of the proposed Project Labor Agreement.

Scott Wetch, representing California Pipe Trades Council, State Association of Electrical Workers, Western State Council of Sheet Metal Workers, and Coalition of Utility Employees - Sacramento - Spoke in support.

Eric Christian, Government Affairs Director, Western Electrical Contractors Association - Sacramento - Spoke in opposition.

Dick Nogleberg - Colfax - Spoke in support of Project Labor Agreement.

Scott Strawbridge - Benicia - Spoke in support of Project Labor Agreements.

Matt Kelley, Executive Secretary/Treasurer of the Sacramento Building and Construction Trades Council - Sacramento - Spoke in support of Project Labor Agreement.

Anna German - Roseville - Spoke in support of Project Labor Agreement.

Graham Johnson, Director of Development/Sacramento Central Labor Council - Sacramento - Spoke in support of Project Labor Agreement.

Mark Joseph, Attorney for CURE - Folsom - Spoke in support of Project Labor Agreement.

Wendy Gerig, Chamber of Commerce - Roseville - Read Chamber letter into the record.

Jack Osborne, representative of International Brotherhood of Electrical Workers 1245 - Marysville - Spoke in support of project labor unions.

Recess at 9:11 p.m. - Reconvene at 9:17 p.m.

First Motion

Motion: Not approve the Project Labor Agreemeth (PLA) with the State Building and Construction Trades Council of California and the Sacramento-Sierra Building and Construction Trades Council; the Maintenance Agreement with the State Building and Construction Trades Council of California and the Sacramento, Yolo, Amador, Nevade, Placer, El Dorado, Sierra Building and Construction Trades Council; Neutrality Agreement with Local 1245, International Brotherhood of Electrical Workers; Transmission Construction Agreement with Local 1245 with the International Brotherhood of Electrical Workers; and a Lead Agreement with the California Unions for Reliable Energy.

Moved by Councilmember Richard Roccucci. The motion did not receive a second and was lost.

Second Motion

Motion: Adopt RESOLUTION NO. 04-275 APPROVING a Project Labor Agreement BETWEEN THE CITY OF ROSEVILLE, THE STATE BUILDING AND CONSTRUCTION TRADES COUNCIL OF CALIFORNIA AND THE SACRAMENTO-SIERRA BUILDING AND CONSTRUCTION TRADES COUNCIL, and adopt RESOLUTION NO. 04-276 APPROVING a Maintenance Agreement BETWEEN THE CITY OF ROSEVILLE, THE STATE BUILDING AND CONSTRUCTION TRADES COUNCIL OF CALIFORNIA AND THE SACRAMENTO, YOLO, AMADOR, NEVADA, PLACER, EL DORADO, SIERRA BUILDING AND CONSTRUCTION TRADES COUNCIL, and adopt RESOLUTION NO. 04-277 APPROVING a Neutrality Agreement BETWEEN THE CITY OF ROSEVILLE AND LOCAL 1245, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, and adopt RESOLUTION NO. 04-278 APPROVING a Transmission Construction Agreement BETWEEN THE CITY OF ROSEVILLE, AND LOCAL 1245, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, and adopt RESOLUTION NO. 04-279 APPROVING a Lead Agency Agreement BETWEEN THE CITY OF ROSEVILLE, THE CALIFORNIA UNIONS FOR RELIABLE ENERGY.

Moved by Mayor Pro Tempore Gina Garbolino, seconded by Councilmember Jim Gray.

Vote: Motion carried 4-1.

Yes: Councilmember John Allard; Councilmember Jim Gray; Mayor Pro Tempore Gina

Garbolino; Mayor Rocky Rockholm No: Councilmember Richard Roccucci

SPECIAL REQUESTS REPORTS PRESENTATIONS (09:38 PM)

40. Growth Management Visioning-Work Program - (RICHARDSON) Memo from Senior Planner Nela Luken and Planning Director Paul Richardson recommending Council consider the work program and direct staff to take the following actions: approve the formation of a Growth Management Visioning Committee to assess the City's 2020 General Plan Growth Management Policies with the following objectives: a) review existing Growth Management Policies; b) promote community participation; and c) make recommendations on the City's growth management policies; and, adopt the Guiding Principles to be used by the GMVC in preparing its findings and recommendations to the City Council; and, direct staff to prepare a scope of work, budget and contract for a consultant to assist in meeting facilitation; and, direct staff to prepare a scope of work, budget and contract for a consultant to conduct a community survey through Datacycles to provide broad community input on growth issues, (Council Communication No.8761 - File 0103-55).

CONTACT: Paul Richardson 774-5276 prichardson@roseville.ca.us (09:38 PM)

Planning Director Paul Richardson introduced Senior Planner Nela Luken.

Senior Planner Nela Luken made the presentation to Council.

No public comment received

Motion: Approve the formation of a Growth Management Visioning Committee to assess the City's 2020 General Plan Growth Management Policies with the following objectives: a) Review existing Growth Management Policies; b) Promote comunity participation; c) Make recommendations on the City's growth management policies; and, adopt the Guiding Principles to be used by the GMVC in preparing its findings and recommendations to the City Council; and, direct staff to prepare a scope of work, budget and contract for a consultant to assist in meeting facilitation; and, direct staff to prepare a scope of work, budget and contract for a consultant to conduct a community survey through Datacycles to provide broad community input on growth issues.

Moved by Councilmember Jim Gray, seconded by Councilmember John Allard.

Vote: Motion carried 5-0.

Yes: Councilmember John Allard; Councilmember Richard Roccucci; Councilmember Jim Gray; Mayor Pro Tempore Gina Garbolino; Mayor Rocky Rockholm

PUBLIC HEARINGS (09:47 PM)

TO: Sonia Orozco, City Clerk and Charter Revision Committee Members

FROM: Richard Roccucci

SUBJECT: Charter Revision Committee, Future Agenda Items

I would like to have the following item placed on the next agenda scheduled for December 21, 2009.

BACKROUND:

I've made several comments previously concerning how vacancies in the selection of a councilmember or mayor should be filled. I suggested that a council vacancy should be filled by appointing the first runner-up at the previous election and that the mayor vacancy should be filled by appointing the second place person in the second election back. Both suggestions have not been embraced by the committee although I still believe they have merit.

ADDITIONAL BACKGROUND:

There has been some discussion at past meetings concerning both items and also the large amount of money being spent on local elections. This has spawned new ideas like making our campaign reform policy more stringent and possibly going to district wide elections. Those too have not been accepted, and I have some doubts that they would improve the current situation.

NEW VIEW:

Many cities and the county do not select the chairperson of the board or council based on election results, but rather by rotation or vote of the governing body. This is also done on a yearly basis versus the City of Roseville's procedure to elect our mayor every two years. I believe there is some merit in adopting the approach by other cities and the county. I favor the rotation method of selecting the mayor because it would be the most fair and transparent.

MY PROPOSAL:

Change appropriate language in the charter to:

- 1. Randomly designate each position on the council with a number from one to five.
- 2. Starting with the 2012 election, position number one will be designate mayor for one year, and position number two would be designated as mayor pro tem. This person could have been selected in that election or was already on the council.
- 3. Should the mayor leave for any reason during that year, the next person in line will be mayor. This part time year will not be used to deny that person a complete year but will be in addition to this part time year.
- 4. If the person in that part year position does not seek election or is not elected, the mayorship would be the person who fills that new position.

ADVANTAGES:

The recommended changes could have several effects:

- 1. This would emphasize that we have a council-manager form of government, not a mayor-manager form of government. (see section 2.01 where it states it's the intent to form a council-manager form of government)
- 2. It would solve the mayor vacancy issue and take political favoritism out of the process.
- 3. It may decrease the size of the money being spent on local elections because the impression among many is that the maximum is being spent in an attempt to be mayor not just a councilmember.
- 4. It would increase the number of votes cast for councilmember. In the last election with approximately 50,000 voting, only a little over 100,000 total votes were casts, where a maximum of 150,000 were possible because we could vote for three. Single voting will still exist, but the incentive to do so would be reduced.
- 5. The council could start acting more like a five member council instead of one and four and may bring better governance to the city. I believe it could improve communications between the city councilmembers and between individual councilmembers and the city manager.

I look forward to discussing this at your next regular scheduled meeting.

Richard Roccucci

PS On Tuesday November 17th, the day after your last meeting where you discussed the merits of a PLA, an article appeared in the Sacramento Bee concerning two lawsuits against the City of Sacramento in regard to the railyard project. One suit was by Westfield and the other by William Kopper representing a group called Sacramento Citizens Concerned About the Railyards. The suits alleged the City of Sacramento did not adequately address the traffic and other environmental impacts of the project. A judge ruled in the City's favor. Kopper said he was still concerned that the issues were not adequately addressed. The conclusion here is that the city can still be sued even is they have no PLA prohibition in the charter. Food for thought. Looking forward to your discussion next month on the subject.

Mayor Rotation Examples (most closely resembling Richard Roccucci's suggestion)

Huntington Beach (This is the policy our Council follows. However, I would note that Section (d) 3 required four years between terms as Mayor Pro Tem. This has resulted in some Council members getting a second turn a s Mayor before others have had their first turn. It may be better to make this five years.)	The Mayor and Mayor Pro Tempore shall serve terms of one year. The member of the City Council serving as Mayor Pro Tempore shall become the Mayor on the expiration of the Mayor's term. The member of the City Council having the longest consecutive City Council service shall become the Mayor Pro Tempore. In the event that two City Council members have the same length of service, then the member who received the greatest number of votes in the last Council election in which such member was elected shall be come Mayor Pro Tempore. If any member declines his/her term as it arises in rotation, that member shall remain in the same place in the rotation
	cycle as if he/she had served. Any City Council member who has served as Mayor within the last four years will not be eligible for election as Mayor Pro Tempore.
Palmdale	The Councilmember with the longest continuous service on the City Council, among those councilmembers who have not served as Mayor Pro Tem, shall be appointed as Mayor Pro Tem. In the event two or more councilmembers have an equal length of such continuous service, then the order of appointment shall be based on the number of votes received by each at the election at which they were elected to the City Council, with the Councilmember who received the highest number of votes being appointed first to serve as Mayor Pro Tem.
	Any councilmember may elect not to serve as Mayor Pro Tem; however, for purposes of determining eligibility to serve as Mayor Pro Tem, such councilmember shall be deemed to have served as Mayor Pro Tem during such year.
Pittsburg	Rotation of Mayor The position of Mayor shall be for a one-year term and will be rotated among all the City Council members. The sitting Vice-Mayor will automatically become Mayor upon the City Council annual reorganization meeting which will be the first meeting in December of each year. Should any Vice-Mayor not be available to take their regular term as Mayor (due to failure to be re-elected, work conflict, etc.), the next person in rotation for Vice-Mayor will be elected to the position of Mayor and the rotation will continue as previously set.
	Rotation of Vice-Mayor The position of Vice-Mayor shall be for a one-year term and will be rotated among all the City Council members based on seniority. Seniority shall be determined by placing in the most recent election. In each City Council election the

Mayor Rotation Examples (most closely resembling Richard Roccucci's suggestion)

	person with the most votes will be placed first in the rotation of that group, the second highest vote total will be placed in second and if a third seat is contested, the third highest vote total will be placed third in that rotation. In case of appointment to the City Council to fill a vacancy, that person will determine the rotation only for the group in that election. Should any City Council member not be available to take their regular place in the established rotation (i.e. failure to be re-elected, work conflict, etc.) the next person in the rotation will be elevated to the Vice-Mayor's position and the rotation will continue as previously set.
Whittier	While the Mayor and the Mayor Pro Tempore are selected by a vote of the City Council, the City Council declares its intent to generally follow a custom of rotation that is based on seniority when selecting the Mayor and the Mayor Pro Tempore.
	The custom of rotation in office proceeds as follows: When a new member joins the City Council, that person shall enter the rotation sequence in last place as a member with the least seniority. Seniority begins when a member first joins the City Council. Members who are re-elected are deemed to be ongoing members, not new members.
	If two or more new members are elected to the City Council on the same date, precedence in seniority shall be given to the new member who received the greatest number of votes in the city election.
	A new mayor must be selected after each election, however, it does not require the term of the mayor to be two years, or preclude selection of a mayor at other times.

Charter Review Commissioners

311 Vernon St.

Roseville CA,95678

Subject: Written Hiring policies and Procedures for City Managers or Appointees...

Under The City of Roseville's written requirements titled Terms of Agreements(which is basically for staff employees of Departments) I noticed the following statement it states in Part "quote"

All non management Employees in the following departments are deemed to be Confidential.

- 1.) City Attorney
- 2.) City Manager
- 3.) Human Resources
- 4.) Finance-Payroll Staff only

Now of the four listed one stands out as to it's responsibilities

naturally that is the position of Attorney. The hiring of the other

Three are not so clearly defined - plus what are their

responsibilities to the city staffs?

Again where are the written policies or procedural guide lines for the hiring of these positions.

Title 3 Personal section 3.01..010 of the City of Roseville is vague except for the hiring of City Staff employees. The question is what sets parameters for the appointments or hiring of these Positions?

There is a department with in the City of Roseville that hires and researches the back ground qualifications of employees etc...

Yet the City Council goes out side it self spending 17K to a Head Hunter to hirer a City Mgr. The other fact is out side the City is a State Department of Employment in this state of California.

What is the polices and procedures for also hiring a Head Hunter? Will he or she be required to submit a written cost report to this city, will his back ground also be checked? Where is this

stated in the City Charter? All avenues should be delineated in the City Charter when all avenues to use the city staff for hiring are exhausted. An out line procedure should require the identity and back ground check of the individual hired or company hired to do city hiring and the cost.

In closing the City Council always states when raising someone's salary or hiring or appointing that the pay scale is made as high as it is because of competition with other cities and states. It should require in the Charted since this is tax payer money that the cities be identified by the City Council because of the up ward clime of these pay outs. If I remember right this city seems now to have some of the highest paid employees in any City in California or out side the state where other cities are Comparable in size and population. Also why is giving pay raises based on what other cities pay there employees?

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