

City of Cotati



**MINUTES
REGULAR CITY COUNCIL MEETING AND JOINT MEETING OF THE CITY
COUNCIL AND COTATI REDEVELOPMENT AGENCY BOARD OF DIRECTORS
FEBRUARY 27, 2008
City Council Chambers, City Hall, 201 W. Sierra Avenue**

6:30 PM CLOSED SESSION

CALL TO ORDER (CITY COUNCIL CHAMBERS)

Mayor Gilardi called the meeting to order at 6:31 p.m.

ROLL CALL

Councilmembers present: Fox, Guardino, Minnis, Orchard and Mayor Gilardi
Staff present: Hayes, O'Bid, Rudnansky, Taylor, Thompson

ADJOURNMENT TO CLOSED SESSION (CITY MANAGER'S OFFICE)

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

Agency designated representative: Dianne Thompson, City Manager
Employee organization: Cotati Police Officers' Association, and the Cotati Police
Officers' Management Association.

ADJOURNMENT OF CLOSED SESSION/RECONVENE TO REGULAR SESSION (CITY COUNCIL CHAMBERS)

7:00 PM REGULAR SESSION

CALL TO ORDER

Mayor Gilardi called the regular meeting to order at 7:00 p.m.

ROLL CALL (REGULAR SESSION)

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Mayor Gilardi led the pledge of allegiance and called for a moment of silence.

1. APPROVAL OF MINUTES OF FEBRUARY 13, 2008 REGULAR MEETING AND NOTICE OF WAIVING OF READING OF ALL ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (*Action*)

Moved by Councilmember Orchard seconded by Councilmember Fox and passed
unanimously to approve the minutes of the February 13, 2008 Regular meeting as presented
and to waive the reading of all ordinances introduced and/or adopted under this agenda.

APPROVAL OF FINAL AGENDA

Mayor Gilardi announced that Senator Migden would present her legislative update after the introduction of the new police officer. She further noted that there was no reportable action from the closed session.

INTRODUCTION OF NEW POLICE OFFICER

Police Chief Robert Stewart introduced new Cotati Police Officer Baudelia "B" Gallo to the Council. Officer Gallo addressed the Council.

LEGISLATIVE UPDATE FROM SENATOR CAROLE MIGDEN

State Senator Carole Migden provided a verbal report to Council regarding legislative activities and encouraged citizens, Council and staff to solicit assistance from her office on various issues.

In response to questions from Council, Senator Migden noted that the Governor has recommended some temporary state park closures as a cost cutting measure and that she is opposed to the closures.

CITY MANAGER'S REPORT

City Manager Dianne Thompson reported the following:

- The East Cotati Avenue waterline installation is expected to be complete in mid-March.
- A revised application for a medical marijuana dispensary has been received and is scheduled to be presented to the Planning Commission on March 17.
- The Rohnert Park Rotary Club has donated the computers and labor for the installation for a computer lab in room 5 of the Community Center. The computer lab is expected to be complete on March 8.
- The Rancho Cotati Rotary Club recently voted to provide the labor to install the City's demonstration gardens.
- Kitchen composter containers are for sale in the Administrative Services Department.

CITIZEN BUSINESS

Michelle Berman of Cotati expressed concern that her comments of the January 9 City Council meeting were incomplete and asked that her comments be more fully communicated in the minutes. She asked that the Mayor request, rather than require, people to stand for the pledge of allegiance to the flag.

George Barich of Cotati expressed concern that he is not on the City's bidder list and commented on a story about water conservation and water rates that was printed in the Press Democrat. He requested that the Council schedule discussion of water costs on an upcoming agenda.

Jim Fouche of Cotati expressed concern regarding tree removal at 100 Valparaiso and submitted a written statement to that issue.

Dave D. (last name not discernible) of Cotati stated that some of the trees in his neighborhood (Cotati Cottages) are slated to be removed and could perhaps be used at the 100 Valparaiso site.

City Manager Thompson clarified that all of the labor for the computer lab was donated by Rotarians.

COUNCILMEMBER DIRECTION ON FUTURE AGENDA ITEMS (*Discussion*)

Mayor Gilardi indicated that a resolution supporting the Save our State Parks campaign will be scheduled on an upcoming agenda.

Councilmember Minnis requested that in view of upcoming budget discussions a survey of Police Department costs and salaries be conducted and that an ad hoc committee be formed. Council concurred to discuss the feasibility and timing of such a survey with the City Manager.

ORAL AND WRITTEN COMMUNICATIONS

ANNOUNCEMENTS

The next Cotati Creek Critters' Community Planting Day is March 8 at 10:00 a.m. Meet at City well lot #2 on Lakewood Avenue. For additional details and events call 792-4422 or visit their website at www.cotaticreekcritters.info.

The Annual Cotati Pasta Dinner & Bingo event will take place on Saturday, March 1, from 5:00 to 8:00 p.m. at the Cotati Veterans Memorial Building, 8505 Park Avenue, Cotati. For additional details contact the Cotati Chamber of Commerce at 795-5508 or visit their website at www.cotati.org

LEGISLATIVE UPDATE FROM SENATOR CAROLE MIGDEN

This item was moved up on the agenda.

SONOMA STATE UNIVERSITY REPRESENTATIVE REPORT

Jonathan T. White, Sonoma State University Student representative, introduced himself and reported on activities and events at Sonoma State University.

STUDENT HONORARY MAYOR REPORT

Brittni Kiick of Rancho Cotate High School reported on activities and events at Rancho Cotate High School. Mayor Gilardi presented Ms. Kiick with a certificate of commendation.

ANIMAL CONTROL LAW UPDATE

Chief of Police Robert Stewart provided a verbal report to Council regarding the City's animal control law.

Discussion ensued about establishing a focus group consisting of interested citizens under the leadership of the future Director of Community Development and Councilmember liaison.

Council directed that discussion regarding the formation of this group be scheduled on an upcoming agenda.

CONSENT CALENDAR

Mayor Gilardi opened the floor to public comment regarding items listed in the Consent Calendar. There being no one wishing to speak, Mayor Gilardi closed the public comment period.

Councilmember Minnis recused herself from voting on items 2 and 4 due to a conflict of interest.

Moved by Councilmember Orchard, seconded by Councilmember Fox and passed 4-0-1 (Councilmember Minnis abstaining) to approve items 2 and 4 on the Consent Calendar as noted below.

Moved by Vice Mayor Guardino, seconded by Councilmember Fox and passed unanimously to approve items 3, 5 and 6 on the Consent Calendar as noted below.

2. USE OF LA PLAZA PARK AND THE BANDSTAND ON SATURDAY JULY 19, 2008 (Action)

This motion authorized the use of La Plaza Park and the Bandstand on Saturday July 19, 2008, to Accommodate the 2nd Annual Redwood Empire Weightlifting Championships; and further Authorizes the Use of Amplified Music and Announcing as well as the Sales and Consumption of Alcoholic Beverages.

3. DELEGATING AUTHORITY TO SONOMA COUNTY WATER AGENCY (SCWA) WATER ADVISORY COMMITTEE REPRESENTATIVE TO RECOMMEND APPROVAL OF FISCAL YEAR 2008-2009 SCWA BUDGET (Action)

This motion delegated authority to the City's Water Advisory Committee representative to vote on the Sonoma County Water Agency's proposed fiscal year 2008/2009 water system budget and the Prudent Reserve Policy at the upcoming March 3, 2008 WAC meeting.

4. USE OF LA PLAZA PARK AND THE BANDSTAND ON SATURDAY APRIL 19, 2008 (Action)

This motion authorized the use of La Plaza Park and the Bandstand on Saturday April 19, 2008 from 11:00 AM to 3:00 PM, for a Single Band Outdoor Concert, including the Use of Amplified Music.

5. APPROVAL OF FISCAL YEAR 2007-2008 MID-YEAR BUDGET AMENDMENTS

This motion approved amendments to the fiscal year 2007-2008 budget.

6. SETTING A PUBLIC HEARING DATE FOR ESTABLISHING FEES AND CHARGES

Resolution No. 08-03: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI, SETTING A PUBLIC HEARING DATE FOR ESTABLISHING FEES AND CHARGES FOR CITY SERVICES

PUBLIC HEARINGS

7. PLANNING COMMISSION APPOINTMENT PROCESS (Continued from February 13, 2008) (Action)

Associate Planner Alicia Giudice presented the staff report.

Mayor Gilardi opened the public hearing.

Michelle Berman of Cotati, speaking on behalf of Planning Commissioner Linell Hardy, indicated that Ms. Hardy supports the proposal. Ms. Berman asked for clarification as to why there would be an application process if each City Council member appoints a Planning Commissioner.

George Barich of Cotati indicated support for the proposal.

Robert Coleman of Cotati spoke in opposition to the proposal.

There being no one else wishing to speak, Mayor Gilardi closed the public hearing.

In response to concerns raised by the public speakers, Mayor Gilardi clarified that in architect position is not required on the Planning Commission.

Councilmember Orchard expressed opposition to the proposal due to concerns regarding the impacts to the Planning Commission in the upcoming election in which three Council seats will be up for election.

Discussion ensued regarding the timing of the proposed appointment process relative to the upcoming election, the impact that the proposed process may have on the existing Planning Commission, the appointment processes of various cities, including Rohnert Park (which

includes ratification by the full Council, and Lafayette, which utilizes a subcommittee to review of applicants and to provide a recommendation to the Council), the process of choosing a Planning Commission Chair and Vice Chair, how the proposed appointment process would affect the application and the removal process, current terms and the one vacant seat on the Planning Commission and concerns expressed by the current Planning Commissioners about the proposed appointment process.

Council concurred that the new appointment process would run with the election; Councilmember Guardino and Mayor Gilardi, whose seats are not up for election this year, would each choose a Planning Commissioner. It was agreed that one of the appointments would fill the current vacancy, and one appointment would replace the Planning Commissioner whose term has expired and been extended pending the outcome of this process. The remaining three seats would be filled after the election.

Councilmember Orchard indicated that she would support the proposal as amended to have the appointment process run with the election.

The City Council further agreed that there would be no ratification of appointees by the City Council, that staff would receive applications for Planning Commissioner which would be public record and that Councilmembers would individually interview applicants from this pool, and that the removal process for attendance the Planning Commission bylaws regarding the process of choosing a Chair and Vice Chair would remain the same.

Interim City Attorney Rudnansky proposed, and the City Council concurred, that the following language regarding the timing of appointments with the election be added to the proposed ordinance: "Upon the effective date of this ordinance, the Mayor and Vice Mayor shall each make one appointment to the two existing vacant seats on the Planning Commission. Thereafter, all appointments by each Councilmember shall coincide with the election cycles of the respective Councilmembers."

Moved by Vice Mayor Guardino, seconded by Councilmember Fox and passed unanimously to introduce an ordinance (as modified above) amending the City of Cotati Municipal Code, including Sections 2.16.010 Created - Membership; 2.16.020 - Terms; 2.16.030 Removal - Vacancy; 2.16.050 - Qualifications; And 2.21.020 Removal For Absences in order to establish the process for each Councilmember to appoint one (1) Planning Commissioner.

Mayor Gilardi called a recess at 8:40 p.m. and reconvened at 8:54 p.m.

8. REQUEST BY REDWOOD EMPIRE DISPOSAL TO INCREASE THE MAXIMUM RATE THAT MAY BE CHARGED FOR GARBAGE AND RUBBISH DISPOSAL SERVICES (*Action*)

Senior Planner Marsha Sue Lustig presented the staff report and introduced Sedonna Cody with Redwood Empire Disposal, who gave a brief presentation.

John Warren, Chief Financial Officer of Redwood Empire Disposal explained the county-imposed disposal cost increases.

Mayor Gilardi opened the public hearing.

George Barich of Cotati indicated that he was told by staff that there would not be a rate increase due to what he believes to be a delay in Cotati's getting the contract.

Robert Coleman of Cotati requested a comparison of costs with other cities.

There being no one else wishing to speak, Mayor Gilardi closed the public hearing.

Mayor Gilardi pointed out that the last increase was in July of 2005. This rate increase is due to increases in the land fill tipping fees and would be retroactive to January 1, 2008.

Senior Planner Lustig clarified reasons for the delay and noted that the cost of delay in the contract was borne by Waste Management. She indicated that a comparison of rates is in the packet.

Moved by Councilmember Minnis, seconded by Councilmember Fox and passed unanimously to adopt Resolution No. 08-04: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AUTHORIZING AN INCREASE IN TRASH COLLECTION RATES

9. AMENDMENT OF CITY OF COTATI MUNICIPAL CODE SECTION 2.32.060 MAKING DEPARTMENT HEADS HIRED AFTER JANUARY 1, 2008 AT-WILL EMPLOYEES (*Action*)

Jone Hayes, Director of Administrative Services, presented the staff report.

Mayor Gilardi opened the public hearing.

Michael Merrill, representing David Woltering, expressed opposition to the proposal and referred to his letter dated February 26, 2008 which outlined specific reasons for his objection.

Robert Coleman of Cotati indicated concern that this proposal would result in increased costs and make it difficult to find and retain new employees.

Michelle Berman of Cotati expressed support for the proposal and for the City's restructuring as a cost saving measure.

George Barich of Cotati spoke in support of the proposal.

There being no one else wishing to speak, Mayor Gilardi closed the public hearing.

Moved by Councilmember Minnis, seconded by Councilmember Fox and passed unanimously, to introduce an ordinance amending the Cotati Municipal Section 2.32.060 making department head positions filled after January 1, 2008 at-will employees.

ADJOURNMENT OF REGULAR MEETING OF THE CITY COUNCIL TO JOINT MEETING OF CITY COUNCIL AND COTATI REDEVELOPMENT AGENCY BOARD OF DIRECTORS

Mayor Gilardi adjourned to the joint meeting at 9:29 p.m.

CALL TO ORDER AND ROLL CALL FOR JOINT MEETING

Mayor/Chair Gilardi called the joint meeting to order at 9:29 p.m.

Members present: Fox, Guardino, Minnis, Orchard, and Chair/Mayor Gilardi
Staff present: Hayes, Rudnansky, Taylor, Thompson

CONSENT CALENDAR

Moved by Member Orchard, seconded by Vice Chair/Vice Mayor Guardino and passed unanimously to approve item 10 on the Consent Calendar as follows:

10. WARRANTS AND AUDITED CLAIMS (*Action*)

Motion to Receive and File Warrants and Audited Claims for January 24th, 2008 – February 15th, 2008.

ADJOURNMENT OF JOINT MEETING; RECONVENING TO REGULAR MEETING OF CITY COUNCIL

Chair/Mayor Gilardi adjourned the joint meeting at 9:30 p.m. and reconvened the regular City Council meeting.

CITY COUNCIL REPORTS AND COMMENTS (*Discussion*)

Councilmembers reported on recent and upcoming activities, including reports from meetings attended at City expense.

ADJOURNMENT

Mayor Gilardi adjourned the meeting at 9:31 p.m.

Respectfully submitted,