



**MINUTES  
REGULAR CITY COUNCIL MEETING AND  
JOINT MEETING OF THE CITY COUNCIL  
AND COTATI REDEVELOPMENT AGENCY BOARD OF DIRECTORS  
MAY 14, 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 6:30 p.m. and opened the floor to public comment. There being no one wishing to speak, Mayor Gilardi adjourned to closed session in the City Manager's office.

Councilmembers present at roll call: Fox, Minnis, Orchard and Mayor Gilardi.

Councilmember absent: Vice Mayor Guardino (arrived during closed session).

Staff present: Hayes, Taylor, Thompson.

**ADJOURNMENT TO CLOSED SESSION (CITY MANAGER'S OFFICE)**

CONFERENCE WITH LABOR NEGOTIATORS (Government Code § 54957.6)

Agency designated representative: Dianne Thompson, City Manager

Employee organizations: Cotati Police Officers' Association, Cotati Police Officers' Management Association and Cotati Employee Employees' Association

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**7:00 PM (CITY COUNCIL CHAMBERS)**

**CALL TO ORDER OF REGULAR CITY COUNCIL MEETING**

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

**ROLL CALL**

Councilmembers present: Fox, Guardino, Minnis, Orchard and Mayor Gilardi

Staff present: Hayes, Lustig, O'Bid, Rudnansky, Stewart, Taylor, Thompson

**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 APRIL 23, 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 Vice Mayor Guardino and passed unanimously to approve the minutes of the April 23, 2008 Regular meeting and to waive the reading of all ordinances introduced and/or adopted under this agenda.

**APPROVAL OF FINAL AGENDA**

No changes.

**CITY MANAGER'S REPORT**

City Manager Dianne Thompson reported the following:

- She corrected information that was printed in an article in the June 12 2008 issue of the Press Democrat.
- The May 20<sup>th</sup> budget study session has been canceled; another budget study session will be rescheduled in early June. The June 17<sup>th</sup> 2008 budget study session remains on the schedule.
- The Sonoma State University Planning Workshop student General Plan presentation took place on May 12.

**CITIZEN BUSINESS**

George Barich of Cotati commended the City Council for not speaking on behalf of their spouses or domestic partners.

Wade Belew with Cotati Creek Critters reported that they are at the conclusion of a successful three-year project on a one-mile stretch of the Laguna de Santa Rosa.

**COUNCILMEMBER DIRECTION ON FUTURE AGENDA ITEMS (*Discussion*)**

Councilmember Minnis asked the Council schedule discussion regarding placing an initiative on the November ballot to increase the business license fee to provide funds to assist in business advertising and promotion of events, and to also schedule discussion regarding the reinstatement of Alan Schuman's business license.

**ORAL AND WRITTEN COMMUNICATIONS**

**ANNOUNCEMENTS**

Mayor Gilardi announced the following:

Prepare for the Annual Cotati Kids Day Parade and Festival (July 12<sup>th</sup>) by attending a how-to workshop for parade floats, giant puppets and hand-held props. Learn about

design, materials, construction, safety, and resources. Individuals and groups of all levels of budget and skill are welcome to attend this free workshop on Wednesday, May 28 at 7:00 p.m. in the Willow Room at the Ray Miller Community Center. Pre-registration required; please see the City's website at [www.ci.cotati.ca.us](http://www.ci.cotati.ca.us) or call 792-4600 ext. 640.

The City of Cotati will be hosting an Energizer Station for the Annual Bike to Work Day tomorrow, May 15; the station will be open from 6:30 – 8:30 AM in La Plaza Park.

### **SONOMA STATE UNIVERSITY REPRESENTATIVE REPORT**

No report.

### **STUDENT HONORARY MAYOR**

Honorary Mayor Rebecca Rugg of El Camino High School introduced her mother and reported on school activities, needs and events and responded to questions from the Council.

### **PRESENTATIONS**

#### **EAST COTATI AVENUE UPDATE**

City Engineer/Public Works Director Damien O'Bid summarized the scope of work for the East Cotati Avenue overlay, reported to Council on the status of the project and responded to questions from the Council.

#### **ANIMAL CONTROL LAW UPDATE**

Police Chief Robert Steward reported to Council on responses to calls and enforcement of the City's animal control law and indicated that the Police Department could provide a similar written report to Council monthly.

Recreation Manager Terry Dutra reported on the focus group meeting to discuss recreational opportunities for dogs, at which the group prioritized and assigned tasks and agreed to meet again on June 13.

In response to questions from the Council, Chief Stewart described the schedule of the volunteer who is assigned to patrol for off-leash dogs and noted that additional volunteers are in training.

Mayor Gilardi opened the floor to public comment.

Michelle Berman of Cotati asked how the focus group was put together and expressed interest in being involved.

George Barich of Cotati indicated that he was not informed of the workshop and was not invited to participate. He expressed concern that the new signs would become outdated if the ordinance was updated.

Wade Belew of Cotati Creek Critters expressed support for the signage; he noted that Cotati Creek Critters personnel often see dogs off leash.

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

Discussion ensued; City Manager Thompson clarified the difference between a focus group and a public workshop and invited members of the audience who were interested in participating in the focus group to contact Recreation Manager Terry Dutra.

Chief Stewart responded to questions from Council regarding volunteers; noting that they are authorized to issue citations and that notices have been distributed with water bills twice. He further explained that the animal control ordinance was updated in 2006.

Council concurred that enforcement of the animal control law should gradually become more aggressive as the public becomes more aware of animal control issues through volunteer patrols and the work of the focus group.

## 2. PROCLAMATIONS

### **RECOGNIZING MAY 12 – 16, 2008 AS CALIFORNIA BIKE COMMUTE WEEK AND MAY 15, 2008 AS BIKE-TO-WORK DAY**

Wade Belew of the Sonoma County Bicycle Coalition accepted the proclamation and addressed the Council on the benefits of bicycle commuting.

## CONSENT CALENDAR

Councilmember Minnis stated that she would recuse herself from items 4 through 8 because she lives within 500' of La Plaza park.9 500 ft of park.

Vice Mayor Guardino and Councilmember Orchard indicated that they would recuse themselves from item 9 because their (fully mowed) properties appeared on the weed abatement list.

**Moved** by Councilmember Fox, seconded by Councilmember Orchard and passed unanimously to approve item 3 on the Consent Calendar.

**Moved** by Councilmember Fox, seconded by Councilmember Orchard and passed 4-0-1 (Councilmember Minnis abstaining) to approve items 5 and 8 on the Consent Calendar.

**Moved** by Councilmember Minnis, seconded by Councilmember Fox and passed 3-0-2 (Vice Mayor Guardino and Councilmember Orchard abstaining) to approve item 9 on the Consent Calendar.

Items 4, 6 and 7 were pulled from the Consent Calendar for further discussion.

**3. REJECT CLAIM FOR DAMAGES AGAINST THE CITY OF COTATI – ROBERT MILLER (Action)**

This motion, recommended by the Administrative Services Department, rejects the claim of Robert Miller and directs staff to forward the claim to the Redwood Empire Municipal Insurance Fund (REMIF).

**4. APPROVAL OF TEMPORARY STREET CLOSURE, AMPLIFIED MUSIC, THE SALE AND CONSUMPTION OF ALCHOLIC BEVERAGES AND PROPOSAL FROM COTATI CHAMBER OF COMMERCE FOR COTATI FARMERS' MARKET (Action)**

Councilmember Minnis recused herself and was absent from the chamber during discussion and vote on this item.

Police Chief Robert Stewart presented the staff report noting that 'soft fees' are proposed to be waived.

Mayor Gilardi opened the floor to public comment

Adrian Lauby of Cotati addressed the Council in support of the proposal.

Robert Coleman-Senghor of Cotati asked for clarification of the terms 'soft cost' and 'hard cost'

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

Mayor Gilardi and City Manager Thompson clarified that soft costs are fees that the City would collect such as facilities rental fees and hard costs are expenditures such as staff time and the cost of equipment rental.

**Moved** by Councilmember Orchard, seconded by Vice Mayor Guardino and approved 4-0-1 (Councilmember Minnis abstaining) to 1) approve Resolution No. 08-17 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AUTHORIZING THE TEMPORARY CLOSURE OF LA PLAZA AVENUE BETWEEN W. SIERRA AVENUE AND W. COTATI AVENUE ON THURSDAYS BEGINNING MAY 29, 2008 AND ENDING ON SEPTEMBER 11, 2008 TO FACILITATE THE COTATI FARMERS MARKET, 2) Authorize the use of amplified music in La Plaza Park during the same time period; 3) Authorize the selling and consumption of alcoholic beverages in La Plaza Park for this event; 4) Approve the proposal dated March 17, 2008 from the Cotati Chamber of Commerce for the Use of La Plaza Park for a Farmers' Market.

**5. APPROVAL OF TEMPORARY STREET CLOSURE AND AMPLIFIED MUSIC FOR KIDS' DAY PARADE (Action)**

This motion, recommended by the Police Department, adopts 1) Resolution No. 08-18 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AUTHORIZING THE TEMPORARY STREET CLOSURE OF CERTAIN STREETS TO FACILITATE THE 16th ANNUAL KIDS' DAY PARADE AND FESTIVAL ON

SATURDAY, JULY 12, 2008 BETWEEN THE HOURS OF 8:00 A.M. AND 5:00 P.M. AND, FURTHER, AUTHORIZE AMPLIFIED MUSIC IN LA PLAZA PARK DURING THE SAME TIME PERIOD; and 2) Approves amplified music in La Plaza Park during the same time period.

**6. APPROVAL OF USE OF LA PLAZA PARK, AMPLIFIED MUSIC, THE SALE AND CONSUMPTION OF ALCHOLIC BEVERAGES, CLOSURE AND USE OF TWO PARKING SPACES AND WAIVE FEES FOR COTATI JAZZ AND ARTS FESTIVAL (Action)**

Councilmember Minnis recused herself and was absent from the chamber during discussion and vote on this item.

Chief Stewart presented the staff report, noting that 'soft fees' are proposed to be waived.

Mayor Gilardi opened the public comment period.

George Barich of Cotati spoke in opposition to waiving fees for events.

Michelle Berman of Cotati suggested that fees could be waived for free events and fees could be charged for events that aren't free.

Robert Coleman-Senghor of Cotati asked that a study be done to show the return of the City's resource value as related to expenditures of 'soft costs'.

Adrian Lauby of Cotati spoke in support of the Cotati Jazz festival proposal.

There being no one else wishing to speak, Mayor Gilardi closed the comment period.

Discussion ensued as to the value of the \$350 that the City proposes to waive and the use of the park for events for the enjoyment of people whose property taxes pay for its maintenance.

**Moved** by Councilmember Orchard, seconded by Councilmember Fox and approved 4-0-1 (Councilmember Minnis abstaining) to approve the use of La Plaza Park between the hours of 8:00 AM and 10:00 PM on Saturday June 14, 2008, for the 28th Annual Cotati Jazz and Arts Festival, including the use of amplified music in La Plaza Park, the sale and consumption of alcoholic beverages; the closure and use of two parking spaces fronting 8280 and 8282 Old Redwood Hwy to provide a stage venue for music for the event; and to waive all use fees for the event.

**7. APPROVAL OF TEMPORARY STREET CLOSURE, AMPLIFIED MUSIC, THE SALE AND CONSUMPTION OF ALCHOLIC BEVERAGES AND WAIVE CERTAIN FEES FOR THE COTATI ACCORDION FESTIVAL (Action)**

Councilmember Minnis recused herself and was absent from the chamber during discussion and vote on this item.

Police Chief Robert Stewart presented the staff report, noting that staff recommendation has changed due to budget information received after the staff report was written. Staff recommends that only soft costs be waived, not the hard costs. He responded to questions from the Council regarding vendors and their insurance and business licenses.

Mayor Gilardi opened the floor for public comment.

Scott Goree with the Cotati Accordion festival (the applicant) asked for clarification on which fees would be waived.

Chief Stewart clarified that hard costs for 'no parking' sign placement and preparations, notices, postage and street closures are proposed to not be waived. He further noted that the fee for vendors to participate is \$150.

George Barich of Cotati addressed the Council regarding the City's fee structure and the waiving of fees.

Steve Gold of Cotati addressed the Council regarding fees.

Susie (last name not discernible) of Cotati spoke in support of waiving fees.

Robert Coleman Senghor of Cotati encouraged the Council to listen to citizens regarding their ideas about fees and indicated that the City should be run as a business to benefit the people of Cotati.

Michelle Berman of Cotati noted that the Accordion Festival brings in a lot of revenue and that the City expends a lot of effort and a lot of time and wondered whether all fees should be charged and none waived.

Adrian Lauby of Cotati addressed the Council and noted that the festival brings a lot of brand value to the City.

John Rock of Cotati suggested setting a policy for fees.

Scott Goree stated that he is a volunteer. The executive director receives \$5,000/year, of which \$13,000 has been donated back over the last three years. He stated that all the proceeds are donated back to groups in Cotati.

There being no one else wishing to speak, Mayor Gilard closed the floor to public comment.

Discussion ensued regarding the fees. Council concurred that a fee policy is needed and further agreed in support of staff's original proposal.

**Moved** by Councilmember Orchard, seconded by Councilmember Fox and approved 4-0-1 (Councilmember Minnis abstaining) to 1) Adopt Resolution No. 08-21 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AUTHORIZING

TEMPORARY CLOSURE OF CERTAIN STREETS ON FRIDAY, AUGUST 22, 2008, THROUGH MONDAY, AUGUST 25, 2008, TO FACILITATE THE ACCORDION FESTIVAL; 2) waive City fees in the amount of \$1,200; and 3) waive costs in the amount of \$1,617.96 if certain conditions are met.

**8. APPROVAL OF USE OF LA PLAZA PARK, AMPLIFIED MUSIC, THE SALE AND CONSUMPTION OF ALCHOLIC BEVERAGES, CLOSURE AND USE OF TWO PARKING SPACES AND WAIVE FEES FOR OKTOBERFEST (*Action*)**

This motion, recommended by the Police Department, approves the use of La Plaza Park between the hours of 7:30 AM and 7:00 PM on Saturday September 27, 2008, for the Cotati Oktoberfest, including the use of amplified music in La Plaza Park, the sale and consumption of food and alcoholic beverages and waives all use fees for the event.

**9. AUTHORIZE CITY MANAGER TO EXECUTE AN AGREEMENT FOR WEED ABATEMENT SERVICES FOR THE 2008 WEED ABATEMENT PROGRAM (*Action*)**

This motion, recommended by the Department of Public Works/Engineering, authorizes the City Manager to execute an agreement for weed abatement services with Petrucci & Sons Tractor Service for the 2008 Weed Abatement Program.

Mayor Gilardi called a recess at 8:35 p.m. and reconvened the meeting at 8:47 p.m.

Councilmember Minnis returned to the Chamber and resumed participation in the meeting.

**REGULAR AGENDA**

**10. CONSIDERATION AND POSSIBLE ACTION REGARDING REQUEST TO ADOPT RESOLUTION NO. 08-22 DENOUNCING THE GENOCIDE IN THE DARFUR REGION OF SUDAN (*Action*)**

Marsha Sue Lustig, Assistant to the City Manager, presented the staff report.

Mayor Gilardi opened the floor to public comments.

Robert Coleman-Senghor thanked the Council and staff for scheduling discussion of this issue on the agenda and noted that he has actively opposed genocide and apartheid and hopes that the citizens of Cotati would understand that silence can be part of the trouble.

George Barich of Cotati expressed concern regarding staff time spent on international issues, and the lack of public turnout for this item.

Adrian Lauby of Cotati spoke in support of the proposed resolution.

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

Discussion ensued regarding this issue, the responsibility of taking a stand, and a possible link to climate change and lack of precipitation leading to displacement of people. Council

concurred in support of this item, thanked Mr. Coleman-Senghor for his persistence in addressing and pointed out that the proposed resolution requests PERS to divest itself from doing business with firms and financial institutions with clear ties to the repressive regime in Sudan. Council further requested that copies of Resolution No. 08-22 be sent to the offices of Congresswoman Woolsey, Senator Migden, Assemblyman Huffman and the Darfur Alert group.

**Moved** by Councilmember Orchard and seconded by Vice Mayor Guardino to adopt Resolution No. 08-22 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI DENOUNCING THE GENOCIDE IN THE DARFUR REGION OF SUDAN

Yes: 5      No: 0      Abstain: 0

**ADJOURNMENT OF REGULAR MEETING OF THE CITY COUNCIL AND CALL TO ORDER AND ROLL CALL FOR JOINT MEETING OF CITY COUNCIL AND COTATI REDEVELOPMENT AGENCY BOARD OF DIRECTORS**

Mayor Gilardi adjourned the regular meeting and called the joint meeting to order at 9:10 p.m.

**CONSENT CALENDAR**

Mayor Gilardi opened the floor to public comment regarding items on the Consent Calendar.

There being no one wishing to speak, Mayor Gilardi closed the public comment period and called for a motion.

**Moved** by Councilmember Orchard, seconded by Councilmember Minnis and passed unanimously to approve items 11 through 14 on the Consent Calendar as noted below.

**11. ADOPTION OF RESOLUTION 08-23 AND CRA-203 OF THE BOARD OF DIRECTORS OF THE COTATI COMMUNITY REDEVELOPMENT AGENCY RESCINDING RESOLUTION CRA-88 (Action)**

Resolution 08-23 and CRA-203, recommended by the Department of Administrative Services, entitled: A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COTATI COMMUNITY REDEVELOPMENT AGENCY RESCINDING RESOLUTION NO. CRA-88

**12. ANNUAL SUBMITTAL OF CITY OF COTATI INVESTMENT POLICY AND ADOPTION OF A RESOLUTION ADOPTING THE INVESTMENT POLICY FOR IDLE FUNDS (Action)**

This motion, recommended by the Department of Administrative Services, receives and files the annual submittal of the City's investment policy and adopts Resolution No. 08-20 and CRA-201 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AND THE BOARD OF DIRECTORS OF THE COTATI COMMUNITY REDEVELOPMENT AGENCY ADOPTING INVESTMENT POLICY FOR IDLE FUNDS

**13. RECEIVE AND FILE CITY INVESTMENT REPORTS FOR THE FOLLOWING QUARTERS ENDING: MARCH 31, 2007, JUNE 30, 2007, SEPTEMBER 30, 2007, DECEMBER 31, 2007, AND MARCH 30, 2008 (Action)**

This motion, recommended by the Department of Administrative Services, receives and files the City's quarterly investment reports.

**14. WARRANTS AND AUDITED CLAIMS FOR APRIL 10TH, 2008 – APRIL 23RD, 2008 (Action)**

This motion, recommended by the Department of Administrative Services, receives and files warrants and audited claims for April 10th, 2008 – April 23rd, 2008.

**PUBLIC HEARING**

**15. INTRODUCTION OF AN ORDINANCE NO. 816 SUPERSEDING ORDINANCES NO. 575, NO. 584 AND NO. 602 AMENDING THE CITY OF COTATI MUNICIPAL CODE AND ESTABLISHING A CITY PURCHASING PROCEDURE AND AN ALTERNATE PROCEDURE FOR PUBLIC PROJECTS**

Director of Administrative Services Jone Hayes presented the staff report.

Mayor Gilardi opened public hearing

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

**Moved** by Councilmember Minnis and seconded by Councilmember Fox to introduce Ordinance No. 816 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI, SUPERSEDING ORDINANCE NOS. 575, NO. 584 AND NO. 602, AMENDING THE CITY OF COTATI MUNICIPAL CODE ESTABLISHING A CITY PURCHASING PROCEDURE AND AN ALTERNATIVE PROCEDURE FOR PUBLIC PROJECTS

Yes: 5      No: 0      Abstain: 0

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

Mayor Gilardi adjourned the joint meeting and reconvened the regular meeting at 9:14 p.m.

**CITY COUNCIL REPORTS AND COMMENTS**

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

Councilmember Fox announced that he has purchased property in Sebastopol and will likely be moving out of the Cotati City limits within a few months, at which time he will resign as Councilmember.

**ADJOURNMENT OF REGULAR CITY COUNCIL MEETING**

Mayor Gilardi adjourned the meeting at 9:18 p.m.

Respectfully submitted,

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Deputy City Clerk