



**AGENDA
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**

The Cotati City Council welcomes you to its meetings that are scheduled for the 2nd and 4th Wednesday of every month. Your interest and participation are encouraged and appreciated.

*City Council Agenda and Minutes can be viewed at the City's website: www.ci.cotati.ca.us
To receive the City Council Agenda by e-mail, provide your
e-mail address to the City Manager's office, or e-mail your request to..... lsime@ci.cotati.ca.us*

Notice is hereby given that Council may discuss and/or take action on any or all of the items listed on this agenda.

Any writings or documents provided to a majority of the Cotati City Council regarding any item on this agenda will be made available for public inspection in the City Manager's office located at 201 West Sierra Avenue, Cotati, California, during normal business hours.

Disabled Accommodation: Upon request, this agenda will be made available in appropriate formats to persons with disabilities as required by Section 202 of the Americans with Disabilities Act of 1990.

Any person with a disability who requires a modification or accommodation in order to participate in a meeting should contact the City Clerk's office at (707) 665-3623 at least 48 hours in advance of the meeting.

Waiver Warning: If you challenge decisions/direction of the City Council of the City of Cotati in court, you may be limited to raising only those issues you or someone else raised at public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Cotati at, or prior to, the public hearing(s).

Those wishing to address the Council are asked to sign the limit discussion to one presentation per individual and to keep comments to between 3 and 5 minutes; when you are called, step to the podium and state your name and address for the record. Persons wishing to address the Council are not required to identify themselves (Gov't. Code § 54953.3); however, this information assists the Mayor by ensuring that all persons wishing to address the Council are recognized and it assists the Deputy City Clerk in preparing the City Council meeting minutes.

6:30 PM CLOSED SESSION

CALL TO ORDER (CITY COUNCIL CHAMBERS)

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

ROLL CALL

PLEDGE OF ALLEGIANCE AND 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*)

APPROVAL OF FINAL AGENDA

CITY MANAGER'S REPORT

CITIZEN BUSINESS

Any item raised by a member of the public which is not listed on the agenda but may require Council action shall be automatically referred to City staff for investigation and disposition unless the item requires action to be taken by the Council at the meeting during which it was raised and constitutes an emergency, or the need to take such action arose after the posting of the agendas within the meaning of Government Code Section 54954.2(b). In either event, the Council is entitled to discuss the matter before making the determination required under said Government Code provision, and if either finding is made may take action thereon. Please confine your comments during this portion of the agenda to matters not already on the agenda. The public will be given an opportunity to speak on each agenda item at the time it is called.

COUNCILMEMBER DIRECTION ON FUTURE AGENDA ITEMS (*Discussion*)

ORAL AND WRITTEN COMMUNICATIONS

ANNOUNCEMENTS

Prepare for the Annual Cotati Kids Day Parade and Festival (July 12th) 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 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

Sonoma State University Student representative Jonathan T. White will provide a verbal report to Council.

STUDENT HONORARY MAYOR

Honorary Mayor Rebecca Rugg of El Camino High School will provide a verbal report to Council.

PRESENTATIONS

EAST COTATI AVENUE UPDATE

Staff will provide a verbal report to Council.

ANIMAL CONTROL LAW UPDATE

Staff will provide a verbal report to Council.

2. PROCLAMATIONS

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

CONSENT CALENDAR

Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Calendar and will be considered separately.

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*)

This motion, recommended by the Police Department, 1) approves Resolution No. 08-17, authorizing the temporary closure of La Plaza Avenue between W. Sierra Avenue and W. Cotati Avenue on Thursdays beginning May 29, 2008 and ending September 11, 2008, between the hours of 3:00 p.m. and 8:00 p.m.; 2) Authorizes the use of amplified music in La Plaza Park during the same time period; 3) Authorizes the selling and consumption of Alcoholic Beverages in La Plaza Park for this event; 4) Approves 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, approves: 1) Resolution No. 08-18 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 2) 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)

This motion, recommended by the Police Department Approves 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 waives 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)

This motion, recommended by the Police Department, 1) adopts Resolution No. 08-21 authorizing temporary closure of certain streets to facilitate the festival; 2) approves the 2008 Cotati Accordion Festival event, scheduled for Saturday August 23, 2008 between the hours of 8:00 a.m. and 9:00 p.m. and on Sunday August 24, 2008 between the hours of 8:00 a.m. and 9:00 p.m. which includes the use and fencing of La Plaza Park and surrounding areas, the sale of beer and wine and playing of amplified music; 3) waives City fees in the amount of \$1,200; and 3) waives 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 Public Works/Engineering Department, authorizes, the City Manager to execute an agreement for weed abatement services with Petrucci & Sons Tractor Service for the 2008 Weed Abatement Program.

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)*

It is recommended by the Assistant to the City Manager the City Council discuss and at its discretion, take action to adopt Resolution No. 08-22 denouncing the genocide in the Darfur region of Sudan.

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

CALL TO ORDER AND ROLL CALL FOR JOINT MEETING

CONSENT CALENDAR

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 Administrative Services Department, Rescinds Resolution CRA-88 Establishing Compensation for Certain Employee Classifications.

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 adopting the City's 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

It is recommended by the Department of Administrative Services that the Council introduce Ordinance No. 816 amending the City of Cotati Municipal Code and establishing a city purchasing procedure and an alternate procedure for public projects.

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

CITY COUNCIL REPORTS AND COMMENTS

ADJOURNMENT OF REGULAR CITY COUNCIL MEETING

Certification of Posting of the Agenda: I declare under penalty of perjury that I am employed by the City of Cotati and that I posted this agenda on the bulletin boards of City Hall, Veterans' Memorial Building and the U.S. Post Office on or before May 8, 2008.

Deputy City Clerk

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City of Cotati



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Subject to approval.

**MINUTES
REGULAR CITY COUNCIL MEETING AND
JOINT MEETING OF THE CITY COUNCIL
AND COTATI REDEVELOPMENT AGENCY BOARD OF DIRECTORS
APRIL 23, 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 adjourned to closed session in the City Manager's office.

ADJOURNMENT TO CLOSED SESSION (CITY MANAGER'S OFFICE)

CONFERENCE WITH LEGAL COUNSEL: Anticipated litigation (significant exposure to litigation) (Government Code § 54956.9)

7:00 PM (CITY COUNCIL CHAMBERS)

CALL TO ORDER OF REGULAR CITY COUNCIL MEETING

Mayor Gilardi called the regular meeting to order at 7:03 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 9, 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 9, 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

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Subject to approval.

City Manager Dianne Thompson reported the following:

- The East Cotati Avenue overlay project is scheduled to commence on April 14.
- Staff has been speaking with representatives of Sonic.net regarding wireless internet for downtown.
- Atomic clocks are being installed throughout City Hall.
- An update to the leash law has been scheduled for the May 14, 2008 City Council agenda.
- Mid-year budget review study sessions have been scheduled for May 20 and June 17, 2008.
- Art work for the Kids' Day parade t-shirt contest is displayed in the Council chamber.

CITIZEN BUSINESS

Peter Chernoff of Sonoma county addressed the Council about child abusers and invited all to the world's biggest party on May 1st.

George Barich of Cotati addressed the Council regarding a possible future contract with Sonic.net for wireless internet and asked that any such contract be made public so the public may provide input in order to avoid mistakes.

Robert Coleman-Senghor of Cotati requested that the Council consider a resolution regarding Darfur. He further requested that the City review the intersection of Christensen Court and School Street; children play in the street and are in danger of being hit by cars.

Dave Charlston commended the City Manager and Public Works Department staff for quickly addressing his complaints about a leaking fire hydrant and graffiti. He asked for a legal crosswalk on Page Street.

Linda Ritter of Cotati commended staff for prompt attention to issues she had brought forward; they trimmed a plant on the street that improved sight of the street and took care cleaning up spilled paint. She indicated agreement with Mr. Charlston about the crosswalk on Page Street.

Council directed staff to review the request for the crosswalk and to review traffic safety at the School Street/Christensen Court intersection.

City Manager Thompson noted that the leash law update and Darfur issue are scheduled on the next City Council meeting agenda.

COUNCILMEMBER DIRECTION ON FUTURE AGENDA ITEMS (*Discussion*)

None.

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Subject to approval.

ORAL AND WRITTEN COMMUNICATIONS

ANNOUNCEMENTS

The City of Cotati Recreation Dept is sponsoring a contest for children to design the 2008 t-shirt & poster for Kids' Day. Submit the finished picture by Friday April 25, 2008 to Cotati City Hall, 201 West Sierra Avenue in the City Manager's Office. This year's Kids' Day Parade and Festival is Saturday, July 12 with a theme of "Magical Kingdom of Kotati."

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

Senator Carole Migden will be conducting a town hall entitled, "Reaching a Balanced Budget for California" on April 29 at 5:00 p.m. at the Marin Center Exhibit Hall at 10 Avenue of the Flags in San Rafael.

SONOMA STATE UNIVERSITY REPRESENTATIVE REPORT

No report.

STUDENT HONORARY MAYOR

Honorary Mayor Alan Hernandez of Technology High School reported on school activities, needs and events and introduced his mother in the audience. Mayor Gilardi presented Mr. Hernandez with a certificate of commendation.

2. PROCLAMATIONS

RECOGNIZING THE ROTARY CLUB OF RANCHO COTATI

Councilmember Orchard read the proclamation. Joe Perry, President of the Rotary Club of Cotati-Rohnert Park accepted it on behalf of the Rotary Club of Rancho Cotati.

RECOGNIZING APRIL AS BLUE RIBBONS' CAMPAIGN AGAINST CHILD ABUSE

Vice Mayor Guardino read the proclamation. Robin Bowen, Executive Director of the California Parenting Institute, accepted it on behalf of the Institute.

RECOGNIZING CHILDRENS' MEMORIAL DAY APRIL 25TH, 2008

Mayor Gilardi read the proclamation. Steve Berry, Secretary for MOVES (Minimizing Occurrences of Violence in Everyday Society), accepted it on behalf of the MOVES organization.

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Subject to approval.

RECOGNIZING AFFORDABLE HOUSING WEEK MAY 11TH THROUGH 17TH, 2008

Councilmember Fox read the proclamation. Amy Lemmer with Habitat for Humanity, accepted the proclamation on behalf of the Sonoma County Housing Coalition.

Mayor Gilardi opened the floor to public comment regarding proclamations.

George Barich of Cotati requested that proclamations be moved to the end of the agenda.

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

CONSENT CALENDAR

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

Councilmember Minnis recused herself as the subject site is within 500 feet of her property.

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

Moved by Vice Mayor Guardino, seconded by Councilmember Orchard and passed 4-0-1 (Councilmember Minnis abstaining) to approve the Consent Calendar as noted below.

3. APPROVAL OF AMPLIFIED MOVIES AT LA PLAZA PARK ON FRIDAYS, JUNE 20, JULY 18, AUGUST 1 & 15, SEPTEMBER 5 & 19, 2008 (Action)

Motion approving amplified movie events to be held in La Plaza Park on the first and third Fridays from June 20 through September 19, 2008.

PUBLIC HEARINGS

4. PROTEST HEARING ON 2008 WEED ABATEMENT PROGRAM (Action)

Councilmember Orchard and Vice Mayor Guardino recused themselves because their (fully mowed) properties are on the property list, and left the chamber at this time.

Damien O'bid, Director of Public Works/City Engineer, presented the staff report.

Mayor Gilardi opened the public protest hearing.

Roland Bruce protested the listing 301 School Street; he indicated belief that the City is responsible for the culvert at the front this property.

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

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Subject to approval.

City Engineer O'Bid clarified that the property owner is responsible for all vegetation on his/her property.

Moved by Councilmember Fox and seconded by Councilmember Minnis to adopt Resolution No. 08-12 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AUTHORIZING CITY STAFF TO ABATE WEEDS ON PRIVATE PROPERTIES AND TO CHARGE PROPERTY OWNERS ACCORDINGLY

Yes: 3 No: 0 Abstain: 2 (Guardino, Orchard)

Councilmember Orchard and Vice Mayor Guardino returned to the chamber and resumed participation in the meeting.

5. ADOPTION OF RESOLUTIONS APPROVING A MITIGATED NEGATIVE DECLARATION, TENTATIVE MAP AND DESIGN REVIEW FOR A TWO LOT SUBDIVISION FOR THE PROPERTY LOCATED AT 301 VALPARAISO AVENUE (Continued from April 9, 2008) (Action)

Alicia Giudice, Associate Planner, presented the staff report and responded to questions from the Council regarding the financing of deferred improvements.

Greg LeDoux (the project architect) summarized the history of the application and described the project, including proposed infrastructure improvements and a hydrology study that was conducted in response to drainage concerns raised by neighbors.

Mayor Gilardi opened the public hearing.

Dave Charleston of Cotati objected to the proposal due to concerns about drainage and flooding, as well as the project's density.

Phil Salazar of Cotati objected to the proposal due to concerns regarding the project's density and about drainage and flooding in Nina Court. He asked how construction traffic could be monitored and whether the entitlement for development could be transferred to a new owner of the property.

L. Russell of Cotati expressed opposition to the proposal due to concerns about drainage and flooding, as well as the project's density.

Roland Bruce of Cotati indicated support for the proposal.

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

Responding to questions and concerns of the public speakers, Associate Planner Giudice noted that the developer is required to submit a construction traffic plan, the final recorded map runs with the property, and trees are required to be protected during construction.

City Engineer O'Bid responded to questions regarding runoff from the property, noting that the proposed development will not contribute to flooding; there would likely be no change

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Subject to approval.

in the existing situation. The bio-swale contributes to the cleaning of the water detains the waterflow to the creek.

Associate Planner Giudice and City Attorney Rudnansky responded to questions regarding bonds, subdivision improvement agreements, the current and future cost of street improvements, building size and lot coverage.

Discussion ensued regarding drainage on the site and in the neighborhood, the hydrology report, dust control, lot coverage, the timing of installation of the street improvements, the cost of street improvements if installed now versus the possibility of burdening a future property owner with the cost of improvements if installed later.

Mr. LeDoux indicated the applicant's willingness to install the street improvements at this time.

The majority of Councilmembers indicated support for the project, citing the change from two driveways to a single driveway, the 40% lot coverage, the need for an infill project close to downtown, previous approvals of the project by the Planning Commission and Design Review Committee, the willingness of the applicant to meet all the requirements for this entitlement and the hydrology report and reports of engineers at the Sonoma County Water Agency indicating that the project would not contribute to flooding. Neighboring residents were encouraged to work with the Sonoma County Water Agency to alleviate problems downstream that are contributing to flooding in the area. The majority further indicated support for installing the street improvements at this time.

Mayor Gilardi indicated opposition to the proposal due to drainage issues, noting her personal experience of increased runoff despite professional engineering reports to the contrary. She expressed unwillingness to subject neighboring property owners to additional development until she is confident that it would not cause additional runoff into adjoining property.

Councilmember Orchard expressed opposition to the proposal, noting that she would support a continuance of this item pending receipt of the hydrology report. She stated that if the project were approved the applicant's dust control plan should include measures beyond watering in order to minimize dust being swept into neighbors' yards. She further indicated that, while she supports infill development she does not believe that this project represents good infill.

Moved by Councilmember Minnis and seconded by Councilmember Fox to adopt Resolution No. 07-81 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI APPROVING A MITIGATED NEGATIVE DECLARATION FOR A TWO-LOT SUBDIVISION AND DESIGN REVIEW ON A PARCEL LOCATED AT 301 VALPARAISO (PA# 20/06, APN 144-392-006)

Yes: 3 No: 2 (Orchard, Gilardi) Abstain: 0

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Subject to approval.

Moved by Councilmember Minnis and seconded by Vice Mayor Guardino to adopt Resolution No. 07-82 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI APPROVING TENTATIVE MAP AND EXCEPTION TO SECTION 17.78.010 (SUBDIVISION DESIGN AND IMPROVEMENT REQUIREMENTS), FOR A TWO-LOT SUBDIVISION ON A PARCEL LOCATED AT 301 VALPARAISO (PA# 20/06, APN 144-392-006)

Yes: 3 No: 2 (Orchard, Gilardi) Abstain: 0

Moved by Councilmember Minnis and seconded by Vice Mayor Guardino to adopt Resolution No. 07-83 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI APPROVING PRELIMINARY DESIGN REVIEW FOR TWO SINGLE FAMILY RESIDENCES IN CONNECTION WITH A TWO-LOT SUBDIVISION ON A PARCEL LOCATED AT 301 VALPARAISO (PA# 20/06, APN 144-392-006)

Yes: 3 No: 2 (Orchard, Gilardi) Abstain: 0

Mayor Gilardi called a recess at 8:56 p.m. and reconvened at 9:11 p.m.

6. DISCUSSION AND ACTION REGARDING APPLICATION FOR MEDICAL MARIJUANA DISPENSARY LICENSE AT 150 EAST COTATI AVENUE (APN: 144-360-054) (Action)

City Manager Dianne Thompson stated that last August the City Council adopted an ordinance which allows one medical marijuana dispensary in Cotati and asked staff review the locations in that ordinance with the Planning Commission. The Planning Commission subsequently determined that the locations were sufficient and suitable for a medical marijuana dispensary. She pointed out that there are challenges in locating a medical marijuana dispensary in a small city like Cotati. She then introduced Marsha Sue Lustig, Assistant to the City Manager, who presented the staff report.

Ms. Lustig stated that an application for a medical marijuana dispensary at 150 East Cotati Avenue was received on December 3, 2008. Prior to that submittal, staff met with the applicants in October and November to review the application criteria and process. The process is similar to that for a use permit, except that the final decision rests with the City Council.

Ms. Lustig indicated that on April 7, the Planning Commission was asked to consider the zoning clearance for the use. This consisted of a review of the regulations for this use within the East Cotati Avenue zoning corridor for this district. At the conclusion of the hearing the Planning Commission recommended denial of the zoning clearance due to the inadequate parking. The draft minutes of the April 7 Planning Commission meeting were included in the Council packet; the Planning Commission has since approved those minutes with one change: On page 7, in the middle of the page the word 'not' was removed from Commissioner Kurver's statement. The sentence was corrected to read, "He was extremely

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Subject to approval.

persuaded by the doctor and does feel that the parking is inadequate”.

Ms. Lustig explained that staff has reviewed the application for completeness and consistency with Ordinance No. 787. Regarding application completeness, staff found the following information to be submitted inadequately:

- **Lighting:** The lighting plan submitted does not contain any way to determine if the way the site is lit will impact the neighbors, or whether it would be overlit or underlit; it does not contain a standard lighting assessment that could be interpreted by staff.
- **Tax History:** The applicants participated in the stakeholders’ meetings during the drafting of Ordinance 787 and at that time supported the inclusion of tax history as part of the application requirement. The tax history helps to better understand the not-for-profit status and the sales tax income potential for the use. Two LLCs (Limited Liability Corporations) have been established by the applicant for the proposed medical marijuana dispensary. These LLCs have no tax history. Ordinance 787 requires that the applicant provide all tax history for the applicant and the companies the applicant has established. The ordinance also requires that

the applicant identify the person(s) responsible for the LLC or who will act in a management capacity for the LLC. This information has not been provided.

- **Landscaping:** The applicants have proposed landscape improvements due to ADA (Americans with Disabilities’ Act) parking requirements and to ensure a clear corner site distance for vehicles pulling in and out of the driveway and turning at the corner of Charles Street and East Cotati Avenue. Staff has requested a detailed landscape plan. No landscape plan has been submitted.
- **Parking:** The land use code provides flexibility to increase or decrease the number of parking spaces based on Council’s findings. The parking issue before the Council is how many spaces would be required to minimize impacts to the surrounding neighborhood. Some of the Planning Commissioners thought that seven or eight spaces on site might be feasible. The County of Sonoma uses the following formula for parking at medical marijuana dispensaries: two spaces, plus one space for every 200 square feet, plus one space for every employee. For this application, that would total at least 10 spaces. This application proposes three spaces, with one of those reserved for ADA parking.
- **Proximity to “youth-oriented facility,” a “school,” or a “smoke-shop”:** Ordinance 787 requires the dispensary to be at least 500’ from a “youth-oriented facility,” a “school,” or a “smoke-shop”. Gravenstones, located at 8246 Old Redwood Highway, sells “paraphernalia for consuming drug or tobacco products.” Both the building and the property boundary containing this local business are located within 500’ of the property boundary for 150 East Cotati Avenue, which is not in compliance with the Ordinance.

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Subject to approval.

The small neighborhood park at Matteri Circle is private with a public access easement. It was designed specifically for minors and is located 279' from the property boundary of 150 East Cotati Avenue, which is not in compliance with the Ordinance.

The southeast section of La Plaza Park with the flagpole is located 467' from the property boundary of 150 East Cotati Avenue. This park does not appear to meet the criteria for providing services intended for minors. This is in compliance with the Ordinance.

Based on these inconsistencies with Ordinance No. 787 and the incompleteness of the application, staff believes that findings cannot be made to allow this location; therefore staff recommends denial of the application for a medical marijuana dispensary at 150 East Cotati Avenue. Council is asked to consider two questions: 1) Is the application complete?; And 2) Does the application comply with the Ordinance?

Mayor Gilardi announced that Siska Makmuri, Marc Coopersmith, Kip Diehl and Eric Kirchmann had submitted correspondence regarding this item after the City Council packet was distributed.

Dona Frank of Santa Rosa, the applicant, stated that she does not believe that Cotati was trying to establish an ordinance that was impossible to comply with. She noted that the doctor referred to earlier attempted to outbid them on the building so he could put in a dispensary and be the applicant. She stated that she is an honorably discharged veteran having served in the United States Coast Guard for five years, that she worked for the federal government for 21 years, that she has no criminal record, that she has an impeccable reputation with the county, that she has had zero police calls in the three years that she has had her location, and that on Sunday, when they had their anniversary party, their neighbors came over and took their photo in front of their location; that his how much they (the neighbors) like them. That is why she is perplexed as to why has been treated with such disrespect by the Planning Department, the Planning Commission and the citizens of Cotati. She stated to the Mayor that she is also a little upset that the Mayor did not return any of her emails. She said she emailed the Mayor 4 times and the Mayor returned her email only one time, and she (the applicant) feels as though the Mayor did not show any real concern with the issues they've been dealing with. She said she wanted the Council to know that two weeks ago their Planning Department allowed citizens to stand up here and call her a drug dealer. They allowed people to stand up here and hold up pictures of their children and say that she intended somehow to do them harm. She said she wanted the Council to know that she is a parent with three sons and that she has no intention of harming anybody's children, ever. She also said that she wanted Council to know that one of Cotati's Planning Commissioners trespassed on her property two weeks ago and was nearly physically removed from the property because he wouldn't comply with leaving when they asked him. She said she would also like Council to know that three newspapers articles have damaged her personally and they have damaged her group. Regarding the taxes, she stated that they never, ever worked on that. They never talked about that. There is no way that she would allow her taxes to go into the hands of someone who doesn't really know what to do with somebody else's taxes and that if her personal phone number, and

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Subject to approval.

her attorney's home phone number that she has had for years, went to the Press Democrat, what would happen to her taxes? She does not trust giving her tax information to anybody who doesn't have a CPA or who could analyze and do something good with that information.

Lisa Gygax, representing the applicant, stated that unfortunately, tonight the Council may hear debate about whether it (medical marijuana) is right or wrong, which shows how heated a situation it is. She thinks that people are actually afraid that they (the applicant) would succeed because it is easier to keep something away and pretend that you're doing something good and it doesn't serve patients. It punishes patients and preserves the business of illicit drug dealers who are not paying taxes and are not regulated in any way. She stated that the application is complete by law under Government Code section 65943 and Cotati Municipal Code section 7.60.070, which require that when you turn in an application, you have to have a response within 30 days or it is deemed complete. It was 44 days before they (the applicant) got anything. In good faith and to exhaust all administrative remedies, they even asked why there was a 10 day deadline to the fact that they did not have to turn anything in because it was complete, they turned in materials on January 29. There's been no response to any of their direct questions, or any of their information asked, or any of their information submitted. Government Code 65943 says if you turn in more information you get a 30-day letter if it's incomplete within 30 days of that; that would have been February 29th. They received nothing. It is unfortunate that the only question that has been answered is how much it cost to get fingerprints taken. They haven't been told how much the background checks are going to cost, but they do know they will take four to six weeks, and they've just been told that the process is going forward as of last weekend. Her first meeting with Planning on how to do background checks was September 7, 2007. This is the first question they've had answered in the entire process.

Ms. Gygax continued, stating that during the discussions about the Ordinance, they maintained that it's always better to pass an ordinance than a ban. It's 'ban' vs. 'very tough ordinance' because they believe that the Council takes their job seriously and they know the community. The spirit of the Ordinance is to allow safe access, mitigate impacts in neighborhoods and have something good for the city. She indicated that Cotati is a difficult city; it wants business but not customers, it wants tax revenue but not traffic. There is no other business that's trying to come to Cotati that will compete with no other businesses here. There is no other business that will pay such high sales tax, with a commodity that sells for between two and four thousand dollars a pound. A dispensary is run with a margin of less than eight percent because of the overhead. It costs 25% more for a patient to buy from a dispensary than from an illicit dealer because the dispensary has to follow the law. The applicant agrees that parking is an issue. They turned in a declaration that their people will car pool and another business owner has offered to share parking, but it is not within 300 feet of the site as the Ordinance requires. Staff has called this a pharmacy model for parking. A medical doctor's office parking is one space for 225 square feet of floor area and Business and Service is one space for 250 square feet. The site has four parking spots. They are much like a business; people are there for between five and eight minutes. They want privacy and safe access. There are three 2-hour parking spots in the front and there are eight street parking spots along East Cotati Avenue. One of the unique things about this business is that it is a closed business; it is not public. You have to be a member. Members

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have to sign and comply with strict rules. The requirement to have security cameras and keep the tapes for 30 days will increase the city's ability get data about that corner and allows the dispensary to be monitored. She noted that it has taken eight and half months to get a vote on a one-year license. She has put in more conditions than the permit presently requires. It allows a citizen to complain about traffic or parking or any other violation and get the tape from the dispensary to prove the violation. They are confident that they can run a very reputable and professional dispensary. She noted that Cotati is a really difficult town. During discussions they (the applicant) said that it would be impossible without variances because all of East Cotati Business District is within 500 feet of a children's facility or a park or Gravenstones because it is measured by parcel. She asked if the Ordinance is intended to say no to everything? She stated that there is no better building in Cotati easier to patrol than this one. The only other building that might work is the Montana Hawk building, but it has problems with OSHA clean-up and there are concerns about ventilation. Other lots in town will either have housing on them or already do. She asked the Council and public if they read the application? Did they read the Ordinance and its checklist? The checklist has new rules that weren't in the Ordinance, such as writing an essay about statement of need and that they should have their revenue looked at by the City Manager monthly. The applicant did these things in good faith. By law the application is deemed complete. The situation is that you (Council) has to decide if it intends to have a dispensary or not, because when \$5,280 is spent and emails don't get returned that has any substantial answers for eight months, it discourages other people from applying. The way the Ordinance is written it is impossible for anyone to comply with. She agrees with (Planning Commissioner) Coleman that it is not the City's job to find the applicant a building, but when you make it impossible then you have to grant variances. She believes that the patients will cooperate and she believes with good management, security cameras, landscaping it will work. She said that page four of the January 29 application has the lighting information. She encouraged Council to combat the fear environment. She met with reverend George in September, and to think that we are going to save a child from the ravages of drugs by denying patients that have a doctor's recommendation medicine is sad and anti-Christian and goes against her Mennonite upbringing where you have compassion. Don't deny the patients. She and the applicant are already neighbors, having lived in Cotati and ties with Cotati and surrounding area. If the dispensary doesn't work, the license can be revoked.

Responding to comments by the applicant, Ms. Lustig clarified the following:

- That this application is for a license and therefore does not fall under the 30-day rule under the permit streamlining act.
- The application needs to be deemed complete before background checks are required. The application is not complete. Although the applicant is not complete, the applicant demanded a hearing; accordingly, staff moved it forward and requested the background checks.
- A variance is not required; rather, Council may find that the proposal either is or isn't found to be consistent with the ordinance.

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- No changes have been made to the ordinance since it was adopted.
- The neighborhood park at Matteri Circle is private but is accessible by a public trail and has a tot lot on it.
- The southeast section of La Plaza Park with the flagpole is does not appear to meet the criteria for providing services intended for minors.

City Attorney Rudnansky clarified that the Ordinance refers to a “youth-oriented facility” rather than a “park”.

Mayor Gilardi opened the public hearing.

Adrien of Cotati (Marsh Way) indicated concern that Marsh Way will be used for overflow and traffic will increase on Marsh Way and East Cotati Avenue.

Robert Coleman-Senghor of Cotati explained that he visited the applicant’s Santa Rosa dispensary site in his capacity as Planning Commissioner. The site was accessible to the public by an open gate. He explained to personnel there that he was reviewing the site in preparation for an upcoming Planning Commission meeting. He was asked to leave the site proper, which he did. He then parked across the street. Individuals from the dispensary then came across the street and asked him to leave. He refused as he was on public property. He supports medical marijuana but believes that the City is not obliged to find a site for the dispensary. Any business proposing a site that does not meet City requirements is not allowed. The Planning Commission treated the applicant with utmost respect.

Jim Barrett of Cotati and owner of 150 East Cotati Avenue (the subject site) objected to the three-minute time limit for speakers. He indicated support for the proposal. He submitted a petition supporting the proposal and listed many of the people and businesses who signed it.

Robin Birdfeather of Cotati described her health conditions that would benefit from medical use of marijuana and addressed the Council in support of the proposal.

Linell Hardy of Cotati noted that in her review of conditional use permits from approximately December of 2000 through October of 2002, of six conditional use permits issued, none required changes to parking, and only one required minor changes to the landscaping. She requested that Council review the distance to Gravenstones, noting that Gravenstones is located on a portion of the front of the property and the Ordinance indicates that the measurement might pertain to only a rear portion. She does not believe that Matteri park is used much by the public because there is no parking.

Kip Diehl of Cotati (owner of the apartment building directly behind the subject property) indicated opposition to the proposal due to concerns about traffic and lack of parking, and the need to police the site. He also expressed concern that nearby property owners will be required to disclose the proximity of the dispensary to potential buyers.

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Subject to approval.

George Barich spoke in opposition to the three-minute time limit on public speakers. He said that the scheduling of this item on a regular agenda instead of conducting a special meeting lacks the compassion that the ordinance was intended to express. He noted dissatisfaction with how this item was handled, including the location of this item on the agenda and lack of response to emails from citizens, which he believes shows Council's bad faith commitment to responsible leadership. He noted that a 'Walkable Cotati' would reduce concerns about parking.

Tom Scott from Oliver's Market discussed the need and the market for medical marijuana. He indicated disagreement with the previous speaker and commended the Council for their efforts.

Steve L. of Cotati, 7113 Marsh Way spoke in opposition to the proposal; he believes that the proposed site is not appropriate and would negatively impact his neighborhood.

Pru Draper of Cotati indicated agreement with staff's recommendation that parking is inadequate. She stated that that when she was a member of the Design Review Committee the parking at the Cotati co-housing project was approved. It turned out to be inadequate and she does not want a similar mistake to be made. Regarding the applicant's comments that it is impossible to comply with the Ordinance, She pointed out that she and the applicant were both on the committee to help draft the Ordinance. She expressed concern as a taxpayer about the amount of staff time that has been spend on this application; if the Ordinance is impossible it should be withdrawn and a location for the dispensary found in a place other than Cotati. She pointed out that there are no medical doctors in Cotati; there are many needs besides medical marijuana that need to be filled.

Lionel, with the church across the street from the subject site, expressed concern over the lack of parking and the traffic on East Cotati Avenue. He expressed concern about Mr. Coleman-Senghor's experience with security personnel on the applicant's Santa Rosa site. He believes that the Church should have the same consideration as a youth-oriented facility as because it holds many youth-related functions.

Marc Coopersmith of Cotati referred to his letter submitted earlier and expressed concern regarding traffic and childrens' safety.

Tim Ritter of Cotati indicated support for the proposal, noting that as a potential employee of the facility he has signed an affidavit that he would walk or carpool to work.

Sarah Schrader spoke in support of the proposal and believes that the proposed location meets all the requirements of the ordinance. She proposed several solutions to reduce parking needs such as a shuttle, carpooling and home delivery.

Enis of Marsh Way spoke in opposition to the proposal due to the location; lack of parking and concerns related to traffic.

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Subject to approval.

Linda Ritter of Cotati spoke in support of the proposal. She indicated belief that traffic and parking are separate issues. She offered to speak with her landlord about renting parking spaces to the business. She said to add her business to the list of supporters on the previously submitted petition. She noted that this item was placed on the agenda to accommodate applicant and pointed out that the applicant is buying, not renting, the building.

John Rock of Cotati indicated that the applicant has not complied with the Ordinance. He believes that the location is not suitable and that the applicant lied about not being within 500 feet of a smokeshop.

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

In response to a question from Council regarding traffic flow, Ms. Lustig indicated that based on analysis of other sites and the applicant's statement of the number of patients, staff estimates that there would be approximately eight to 10 visits per hour. The applicants have noted that this is an untested model and don't know the number of visits. Because the applicant's other dispensary is located in Sonoma County, staff reviewed the County's parking requirements.

Responding to Council's question about traffic flow, Ms. Gygax described the ingress and egress to the property and stated that, with 1000 possible members, they have developed a color-coded system for members to come a specified times to help alleviate the parking situation. Except for the first visit, which is longer because the rules are reviewed and signed, most people are in and out quickly, no matter how they get there. She estimates 8 visits per hour but can't give actual statistics until after they're open. They would include in the rules that the patients use the system regulating when they come and that membership could be revoked if they park on Marsh Way. She noted that Santa Rosa requires memberships to be renewed once per month which causes a rush at the first of the month. Cotati requires membership renewal once per year, so there wouldn't be a monthly rush. She listed infractions that would cause a membership to be revoked and stated that customers are not allowed to drive an unregistered vehicle because it becomes probable cause to arrest.

Discussion ensued relative to the proposal. Councilmember Minnis indicated that she is a supporter of medical marijuana. She noted that perhaps the Ordinance should be revoked because Cotati is too small. She had hoped to have a facility located in an industrial area but the applicants have said that they can't find space small enough. She believes that the proposed location is unsuitable because it is too close to residential uses and she gets calls now about parking problems in that area. She is concerned that Mr. Coleman's treatment at the Santa Rosa location is an indication of what type of neighbors they would be and does not want to test it so close to a residential area.

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Subject to approval.

Council discussed the application's consistency with Ordinance 787 with respect to youth-oriented facilities within 500 feet of the proposed location; specifically, Gravenstones and Matteri Park.

City Attorney read the definition of a "youth-oriented facility".

Mayor Gilardi confirmed that the church across the street from the proposed location was not considered by staff to be a youth-oriented facility.

Councilmember Fox expressed opposition to the proposal due to lack of parking. He noted that it use permit applications take time to process in every city; it took his boss nine months to get a use permit for light manufacturing in an industrial zone. He would be opposed to approving the application and allow the applicant to invest in the business only to pull the license a year later. He stated that this site has a parking problem and pointed out the measures proposed by the applicant such as the color-coded system. A better parking plan must be submitted before he would approve this use.

Vice Mayor Guardino indicated agreement with Councilmember Fox; he believes that despite the applicant's best efforts the parking mitigation won't work; it can't be contained. He noted that much community time and effort went into creating the ordinance and it will take continued effort to make it work; he is not ready to rescind it.

Councilmember Orchard stated that she would need professional engineering information about the parking and traffic before she can make a decision regarding this proposal and indicated her support for requesting this information from the applicant.

Mayor Gilardi stated that most of the issues could be worked out, but the parking issue remains; this is not an appropriate location because parking is a problem on Marsh Way; she does support the Ordinance.

Moved by Councilmember Minnis to adopt Resolution No. 08-13 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI DENYING A REQUEST FOR A MEDICAL MARIJUANA DISPENSARY LICENSE AT 150 EAST COTATI AVENUE. APN 144-360-054 – PA# 22/07 – Organic CARE Center of Cotati/Dona Frank

Councilmember Fox stated that he would second the motion if there could be further discussion. Mayor Gilardi accepted the motion and second with further discussion.

Councilmember Fox indicated that Council could deny the application, or else find the application to be incomplete and request that the applicant submit a traffic engineering report.

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Subject to approval.

Ms. Gygax responded that the option (on the property) ends April 30. She stated that she met with the traffic engineer and that intersection already gets a 'D' rating. They can't rent parking across the street because it is part of the downtown plan so they're only real mitigation except shuttle service is lost. She stated that, to be honest, she has already tried to mitigate the parking.

The majority of Council concurred that, based on the applicant's statement about trying to mitigate parking, deeming the application incomplete pending submittal of a parking plan is no longer under consideration.

Mayor Gilardi called for the vote:

Yes: 4 No: 1 (Orchard) Abstain: 0

**7. APPEAL OF PLANNING COMMISSION RESOLUTION NO. 08-01
DISAPPROVING THE LOT LINE ADJUSTMENT BETWEEN 301 AND 343 EAST
SCHOOL STREET (PA# 13/07) (Action)**

Vice Mayor Guardino recused himself from this item because he lives within 500 feet of the subject site; he left the chamber at this time.

Misti Harris, Assistant Planner, presented the staff report.

Mayor Gilardi opened the floor to public comment.

Rollin Bruce, the appellant, indicated that he should not have had to file an appeal. These issues have been resolved but he was told that he cannot withdraw this appeal. He noted his concern about the money and time this process has cost.

Robert Coleman-Senghor addressed Council regarding his opposition to the lot line adjustment.

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

Moved by Councilmember Orchard and seconded by Councilmember Minnis to adopt Resolution No. 08-14 entitled: A RESOLUTION OF THE CITY OF COTATI CITY COUNCIL UPHOLDING THE PLANNING COMMISSION'S DECISION TO DISAPPROVE A LOT LINE ADJUSTMENT LOCATED AT 301 AND 343 EAST SCHOOL STREET, APNs 144-241-021 and 144-241-022 – PA# 13/07 – Bruce, Rollin

Yes: 0 No: 0 Abstain: 1 (Guardino)

**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/Chair Gilardi called the joint meeting to order at 11:35 p.m.

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Subject to approval.

CALL TO ORDER AND ROLL CALL FOR JOINT MEETING

Members present: Fox, Guardino, Minnis, Orchard, and Chair/Mayor Gilardi

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

CONSENT CALENDAR

Chair/Mayor Gilardi opened the floor for public comment.

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

Council concurred to pull item no. 8 for discussion.

motion 9, 10, 11 jo/jg unanimous

Moved by Member Orchard, seconded by Vice Mayor Guardino and passed unanimously to approve items 9 and 10 on the Consent Calendar.

8. MOTION AUTHORIZING MAYOR TO SIGN A LETTER OF SUPPORT FOR SENATE BILL 900 (CORBETT) (Action)

City Manager Thompson presented a brief staff report.

George Barich of Cotati suggested that, in order to save money and time, the Council hold a private meeting and conduct a letter writing campaign involving more people because the state doesn't pay attention to these letters.

Linda Ritter of Cotati asked whether this bill would address the mobilehome park that is up for sale and whether action could be taken at the City level.

Mayor Gilardi explained that Senate bill 900 closes a loophole allowing mobilehome park owners to subdivide their mobilehome park properties.

Moved by Member Councilmember Orchard, seconded by Councilmember Minnis and passed unanimously to authorize the Mayor to sign a letter to the state legislature in support of Senate Bill 900 (Corbett) which would allow continued local rent control within a mobile home park.

9. APPROVAL OF RESOLUTIONS IN OPPOSITION TO PROPOSITION 98 AND IN SUPPORT OF PROPOSITION 99 (Action)

Resolution No. 08-15 and CRA – 200 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AND THE BOARD OF DIRECTORS OF THE COTATI REDEVELOPMENT AGENCY IN OPPOSITION OF PROPOSITION 98

Resolution No. 08-16 and CRA – 201 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AND THE BOARD OF DIRECTORS OF THE COTATI REDEVELOPMENT AGENCY IN SUPPORT OF PROPOSITION 99

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Subject to approval.

10. RECEIVE AND FILE WARRANTS AND AUDITED CLAIMS (*Action*)

Motion to receive and file warrants and audited claims for March 27th, 2008 – April 9th, 2008.

11. RECEIVE AND FILE 2006-2007 AUDITED FINANCIAL STATEMENTS (*Action*)

Motion to receive and file 2006-2007 audited financial statements.

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

Mayor Gilardi adjourned the joint meeting and reconvened the regular meeting at 11:41 p.m.

CITY COUNCIL REPORTS AND COMMENTS

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

ADJOURNMENT OF REGULAR CITY COUNCIL MEETING

Mayor Gilardi adjourned the meeting at 11:43 p.m.

Respectfully submitted,

Deputy City Clerk

PROCLAMATION

**PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF COTATI
RECOGNIZING THE WEEK OF MAY 12 - 16, 2008 AS CALIFORNIA
BIKE COMMUTE WEEK AND FURTHER RECONGIZING THURSDAY,
MAY 15, 2008 AS "BIKE-TO-WORK DAY"**



WHEREAS, bicycle commuting is an effective means to improve air quality, reduce traffic congestion and noise, and conserve energy; and

WHEREAS, bicycle commuting benefits both employees and employers through better employee health and fitness; reduced commuting parking and health care costs; lower employee absenteeism and turnover; and increased employee productivity; and

WHEREAS, the City of Cotati will host an Energizer Station at La Plaza Park in support of bicycle commuters from 6:00 a.m. to 9:00 a.m. on Bike to Work Day; and,

WHEREAS, increased public awareness of the benefits of commute alternatives such as bicycling or walking will help to ensure a healthier environment for this and future generations; and

WHEREAS, the Cotati City Council wishes to express its support for promoting commute alternatives.

NOW THEREFORE BE IT PROCLAIMED that the Cotati City Council recognizes May 12 through May 16, 2008 as California Bike Commute Week.

BE IT FURTHER PROCLAIMED that the Cotati City Council recognizes Thursday, May 15, 2008, as "Bike-to-Work Day," and joins all other Bay Area cities and counties in promoting commute alternatives. The Cotati City Council urges Cotati residents to join in observing California Bike Commute Week by pledging to commute to work using their bicycle or another alternative to the single occupant vehicle.

Dated: May 14, 2008

Approved: _____
Pat Gilardi, Mayor

City Council Agenda Consent Calendar

Subject: Reject Claim for Damages Against the City of Cotati – Robert Miller

Date: May 14, 2008

Initiated By: Jone Hayes, Administrative Services Director

Recommendation:

Council move to reject the claim of Robert Miller and direct staff to forward the claim to the Redwood Empire Municipal Insurance Fund (REMIF) for further processing.

Background:

On April 25, 2008 a claim for damages was received from Robert Miller.

Analysis/Discussion:

Staff has, in accordance with policy, contacted the City's insurance pool, REMIF. Jeff Davis has advised staff to place the claim on the Council's agenda with the recommendation that it is rejected.

Financial Considerations:

None.

Environmental Issues:

None.

City Council Agenda Consent Calendar

Subject: Adoption of Resolution No. 08-17 Authorizing the Temporary Street 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 between the hours of 3:00 p.m. and 8:00 p.m.; Authorize Amplified Music in La Plaza Park during the same time period; Authorize selling and consumption of Alcoholic Beverages; Approve the Proposal from the Cotati Chamber of Commerce dated March 17, 2008 for the Use of La Plaza Park for a Farmers' Market with the Waiving of all Fees and Subsidizing of Costs.

Date: May 14, 2008

Written By: Robert Stewart, Chief of Police

RECOMMENDATIONS:

It is recommended by the Police Department that the City Council:

1. Adopt Resolution No. 08-17 authorizing the temporary closure of La Plaza Avenue between W. Sierra Avenue and W. Cotati Avenue on Thursdays beginning May 29, 2008 and ending September 11, 2008, between the hours of 3:00 p.m. and 8:00 p.m.
 2. Authorize by motion the use of amplified music in La Plaza Park during the same time period.
 3. Authorize by motion the selling and consumption of Alcoholic Beverages in La Plaza Park.
 4. Approve by motion the attached proposal dated March 17, 2008 from the Cotati Chamber of Commerce for the Use of La Plaza Park for a Farmers Market.
-

Background:

The Cotati Chamber of Commerce has successfully sponsored and operated a Farmers Market in La Plaza Park for the past five summers. This weekly event was very popular and proved to be an asset to the community.

Analysis/Discussion:

The proposal from the Chamber for this year's Farmers Market contains the following points, consistent with previous years' proposals:

- The Farmers Market will consist of produce/food sales, non-food sales and live amplified entertainment. Alcoholic beverages may also be served upon successful licensing by the State Office of Alcoholic Beverage Control (ABC).

- It will be necessary to authorize the exclusive use of the park, including all adjacent public parking spaces fronting the park on La Plaza Avenue
- It is also requested that the City provide barricades and/or cones, to be placed and removed by Chamber representatives, to block off parking spaces for each Thursday event.
- The Chamber will be required to clean up the park after each event.
- The Chamber is requesting that La Plaza Avenue between West Sierra Avenue and West Cotati Avenue be closed in order to accommodate an expanded produce vendor area. The three impacted businesses have been contacted regarding this proposal. Ken Shaw's dental office is closed on Thursdays. The Apple Crate can be accessed from West Cotati Avenue. Similarly, customers of Dos Amigos will have access to the municipal parking lot from West Sierra Avenue.
- The Chamber is asking that Public Works install, on or before April 30, 2008, their 3 signs advertising the Farmers Market, to be co-located on each of the "Welcome to Cotati" signs, with the exception of one sign to be placed at Old Redwood Hwy. at Josephs Way. They are also requesting that the signs stay up during the market season and be taken down by Public Works after September 11, 2008. The Chamber shall provide all of the signs.
- The Chamber requests that the ten "No Parking Thursdays during the Farmers Market Season, 2 p.m. to 8:00 p.m." signs be installed along both sides of La Plaza Ave. between W. Sierra Ave. and W. Cotati Ave. These signs would need to be installed at least 24 hours before May 29, 2008 and taken down after September 11, 2008.
- The Chamber also asks permission to allow up to 20 cars to be parked in La Plaza Park for the opening night on May 29, 2008 for displaying the Cool Car Show.
- The Chamber is requesting that a ladder be placed in storage behind the stage.
- The Chamber is requesting six tables and 30 folding chairs be put in the storage area behind the stage for special events (this may require some coordination if there are similar needs for events at the Civic Center).
- The Chamber is requesting that bee/wasp traps be placed in the park before May 29, 2008.
- The Chamber requests that no watering or mowing of the lawn in La Plaza Park takes place on Wednesday evenings or Thursdays during the market season. This request is especially important the week of the market's opening night due to the Cool Car Show.
- The public restrooms at La Plaza Park will need to be open from 2:00 PM until 9:00 PM on Thursday nights during the market season.

Financial Considerations:

Applicant has requested waiver of the following fees:

Minor Street Closure Fees	\$ 640
Park use fee incorporating a \$250.00 refundable deposit	<u>1,850</u>
Total	\$2,490

The Chamber will operate under a single business license covering the vendors that do not presently have a City of Cotati business license. The Chamber will collect a fee of \$15 per vendor and remit to the City at the end of the Farmers Market season.

Legal Considerations:

California Vehicle Code Section 21101 (e) authorizes the temporary closing of any street for celebrations, parades, local events and other purposes when, in the opinion of local authorities having jurisdiction, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

The Cotati Chamber of Commerce will be required to provide evidence of insurance coverage sufficient to meet the requirements set forth by the City's insurance pool.

The Chamber of Commerce must obtain a temporary sales permit from the State Alcoholic Beverage Control to serve alcoholic beverages.

Environmental Issues:

None

Attachments:

Proposed Resolution No. 08-17

Request for Use Park Facilities form completed by the Cotati Chamber of Commerce

Proposal memorandum dated March 17, 2008 from the Cotati Chamber of Commerce

RESOLUTION NO. 08-17

**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**

WHEREAS, the Cotati Farmers Market will be hosted by the Cotati Chamber of Commerce on Thursdays from 4:30 p.m. to 8:00 p.m. with parking restrictions on La Plaza Avenue in place between the hours of 3:00 p.m. and 8:00 p.m. beginning May 29, 2008 and ending September 11, 2008; and

WHEREAS, California Vehicle Code Section 211101(e) authorizes temporary street closures where certain conditions exist; and

WHEREAS, it will be necessary to temporarily close La Plaza Avenue between W. Sierra Ave. and W. Cotati Ave. to facilitate the event; and

WHEREAS, the Chief of Police of the City of Cotati has arranged for temporary street closure and traffic rerouting which will minimize the traffic hazard conditions and allow for orderly movement of traffic; and

WHEREAS, the Chief of Police is in contact with the Chief of the Rancho Adobe Fire Protection District, ambulance services and others who may need ingress, egress or ability to traverse the affected area and has reasonably provided for their needs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cotati that the Chief of Police is to effect the temporary street closure of La Plaza Avenue between W. Sierra Avenue and W. Cotati Avenue on Thursdays beginning May 29, 2008 and ending September 11, 2008, as deemed necessary; and

BE IT FURTHER RESOLVED that the Chief of Police communicate needed temporary street closure and traffic rerouting to fire, ambulance and other emergency providers, including a plan for accessibility.

IT IS HEREBY CERTIFIED that the foregoing resolution was duly introduced and legally adopted at a regular meeting of the City Council of the City of Cotati held on the 14th day of May, 2008 by the following vote, to wit:

FOX: _____
ORCHARD: _____
GILARDI: _____
MINNIS: _____
GUARDINO: _____

Approved: _____
Mayor

Attest: _____
Deputy City Clerk

REQUEST FOR USE OF
PARK FACILITIES
201 West Sierra Avenue, Cotati CA 94931 (707)792-4600 Fax: (707)795-7067



Name of Organization: COTATI CHAMBER OF COMMERCE

Applicant serving as representative: Suzanne Whipple

Address: 216 E. School St. Cotati CA 94931
Street City State Zip Code

Phone Number: 795-5508 Email Address: chamber@cotati.org

DATE OF EVENT: 5/29-9/11, Tuesdays Arrival/Completion Time: 4³⁰-7³⁰ p.m. *Set-up 3pm
Cleanup 8pm*

Estimated Attendees: 200 Tax ID # (if Non-Profit): 94-2473605

INTENDED USE OF PARK: Cotati Farmers Market

PARK REQUESTED:

- | | |
|---|--|
| <input checked="" type="checkbox"/> La Plaza Park | <input type="checkbox"/> Kotate Park |
| <input type="checkbox"/> Draper Park | <input type="checkbox"/> Falletti Park |
| <input type="checkbox"/> Putnam Park | <input type="checkbox"/> Veterans Park |

Alcoholic Beverages served: Yes Sold Food served: Yes Sold
Street Closure Requested: Yes No Park Closure Requested: Yes No
Animals: Pony Rides, Adopt-A-Pet Electricity Needed: Yes No
Inflatable Jump House/Pony Rides: Yes No (See Policy for insurance requirements)

Use of the above facilities may be pre-empted if City business so requires.

As an applicant for use of City of Cotati facilities, I hereby agree to assume all risks for loss, damage, liability, injury, cost or any expense that may arise during or be caused in any way by use or occupancy of any area or facility of the City of Cotati. I further agree that in consideration of being permitted to use said facility, I will hold the City of Cotati, its officials and employees free and harmless from any loss, liabilities, damages, and/or injuries to persons and property occurring during applicant's use or public liability insurance as stated in "facility use and reservation policy" with the City of Cotati named as additional insured to be submitted no later than one month prior to the rental date. I have read the rules and regulations of rental carefully and agree to them as written. **I understand that applications not submitted thirty (30) days prior to event may not be able to be processed.**

Applicant Signature: Suzanne Whipple Date: 3/17/08

Date of Application: _____ Additional Conditions and/or Comments: _____

Date Insurance Certificate Rec'd: _____

Park Use Fee: _____ Deposit Received: _____ Deposit Returned: _____
001 0100 42214 001 0100 20063

Security Contract Received: _____
City Manager's Office Police Department

Group Classification: Cotati Resident Non - Resident



MEMO

DATE: 3/17/08

TO: Sergeant Steve Bourns, Cotati Police Department
Terry Dutra, Recreation Supervisor

FROM: Suzanne Whipple, Executive Director

CC: Dianne Thompson, City Manager
Steve Nommsen, Public Works Superintendent
Karen Baggiani, Cotati Farmers Market Manager

RE: Cotati Farmers Market 2008

The Cotati Chamber of Commerce respectfully requests that the City Council approve the Cotati Farmers Market in La Plaza Park for the 2008 market season to run from Thursday, May 29 through Thursday, September 11, from 4:30 – 7:30 p.m. The Farmers Market will consist of produce/food sales, non-food sales and live amplified entertainment. There may be alcohol sold at some special events during the market season.

The Chamber requests that the City Council authorize the exclusive use of the park, including all adjacent public parking spaces fronting the park on La Plaza. Also, the Chamber requests permission to block off La Plaza between West Sierra Avenue and West Cotati Avenue (in front of Dos Amigos, Dr. Shaw's office, and The Apple Crate.)

The Chamber would also like permission to put up the following banners each market day: two small banners at the corner of Old Redwood Hwy. and W. Sierra Ave. in La Plaza Park, one stating "Farmers Market Today, 4:30 – 7:30" and a special event banner; one small banner at the corner of Old Redwood Hwy. and La Plaza Ave. stating "Farmers Market Today, 4:30 – 7:30."

Since the Cotati Farmers Market is part of a comprehensive economic development effort by the Chamber of Commerce, under contract with the City, the Chamber requests that all park use fees be waived.

The Chamber is providing insurance coverage for the Farmers Market naming the City of Cotati as Additional Insured and will obtain liability waivers from all the vendors. Additionally, Certificates of Insurance are provided for the pony ride and inflatable bounce house vendors.

The Chamber will be responsible for obtaining trash and recycling bins from Redwood Empire Disposal that will be dropped off and picked up at La Plaza Park throughout the market season. The Farmers Market Manager will clean up the park after each event.

The Chamber also asks permission to allow up to 20 cars to be parked in La Plaza Park for a special event opening night, the Cool Car Show on May 29. The cars will access the park via the curb cut-out between the stage and the restrooms and will be directed by Chamber volunteers.

216 E. School St. • P.O. Box 592 • Cotati, CA 94931

Following are items that the Cotati Chamber of Commerce respectfully requests the City take care of:

1. The public restrooms at La Plaza Park need to be open from 2:00 p.m. until 9:00 p.m. on market nights, Thursdays.
2. 30 orange cones used to block off parking need to be put in the storage area behind the stage for the Market Manager to access on market days.
3. The appropriate barricades and signs needed to block off La Plaza between West Sierra Avenue and West Cotati Avenue need to be put in the storage area behind the stage for the Market Manager to access on market days. The barricades need to be in good working order.
4. The Chamber requests that the ten "No Parking Thursdays during Farmers Market Season, 2 p.m. until 8 p.m." signs be installed along both sides of La Plaza street between W. Sierra Ave. and W. Cotati Ave. These would be installed before May 29 and taken down after September 11.
5. The Chamber requests that a ladder be put in the storage area behind the stage for a Chamber member and the Market Manager to access for the market season. It will be used to put up the banners in La Plaza Park on market days.
6. The Chamber requests that six tables and 30 folding chairs be put in the storage area behind the stage for the Market Manager to access for special events during the market season.
7. The Chamber requests that Public Works install on or before April 30th the Chamber's three Farmers Market signs below each of the "Welcome to Cotati" signs, and one sign at the southeast corner of Gravenstein Highway and Old Redwood Highway, placed on the barricade at Old Redwood Highway and St. Joseph's Way. We request that the signs stay up during the market season and are taken down by Public Works after Sept. 11.
8. The Chamber requests that the bee/wasp traps for La Plaza Park are in place before opening day May 29.
9. The Chamber requests that no watering or mowing of the lawn in La Plaza Park takes place on Wednesday evenings or Thursdays during the market season. This is especially important the week of opening night starting May 29 for the Cool Car Show. If the ground is wet, the cars will ruin the grass with ruts.

City Council Agenda Consent Calendar

Subject: Adoption of Resolution No. 08-18 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, authorizing amplified music in La Plaza Park during the same time period.

Date: May 14, 2008

Written By: Robert Stewart, Chief of Police

Recommendations:

It is recommended by the Police Department that the City Council: 1) Adopt Resolution No. 08-18 authorizing the temporary closure of certain streets between the hours of 8:00 a.m. and 5:00 p.m. on Saturday, July 12, 2008, to facilitate the 16th annual Kids Day Parade and Festival and; 2) Authorize amplified music in La Plaza Park during the same time period.

Background:

The City of Cotati sponsors the Kids Day Parade and Festival on an annual basis, necessitating the closure of several streets for safety reasons.

Analysis / Discussion:

The Kids Day Parade and Festival is a yearly event that brings hundreds of children and adults together. As in past years, the parade will begin at Cator field on E. School Street and will travel east on W. Sierra Avenue to Henry Street to Old Redwood Highway and end at LaPlaza Park. The participants will then enjoy a full day of events in La Plaza park. In order to maximize the safety of those attending, the police department has designated that certain streets be temporarily closed during the event. The street closure information is listed on Exhibit A of this report.

Financial Considerations:

The following represents the staffing and public notification costs for the event:

A-frame barricades and delineators	=	\$650
Public Works & Police Staff	=	600
Noticing of Event	=	300
Total	=	\$1,550

Environmental Issues:

None

Attachments:

Proposed Resolution No. 08-18

RESOLUTION NO. 08-18

**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**

WHEREAS, on Saturday, July 12, 2008, the City of Cotati will be hosting the 16th Annual Kids' Day Parade and Festival in which approximately 500 people will congregate in downtown Cotati; and

WHEREAS, California Vehicle Code Section 21101(e) authorizes temporary street closures where certain conditions exist; and

WHEREAS, it will be necessary to temporarily close certain streets as described in Exhibit A (attached) on Saturday, July 12, 2008, beginning at 8:00 a.m. and ending at 5:00 p.m.; and

WHEREAS, the Chief of Police is in contact with the Chief of the Rancho Adobe Fire Protection District, ambulance services and others who may need ingress, egress or ability to traverse the affected area and has reasonably provided for their needs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cotati that the Chief of Police is to effect the temporary street closure and traffic rerouting on Saturday, July 12, 2008, as deemed necessary; and

BE IT FURTHER RESOLVED that the Chief of Police communicate needed temporary street closure and traffic rerouting to fire, ambulance and other emergency providers, including a plan for accessibility.

IT IS HEREBY CERTIFIED that the foregoing resolution was duly introduced and legally adopted at a regular meeting of the City Council of the City of Cotati held on the 14th day of May, 2008, by the following vote, to wit:

GILARDI _____
GUARDINO _____
FOX _____
MINNIS _____
ORCHARD _____

Approved: _____
Mayor

Attest: _____
Deputy City Clerk

EXHIBIT A

TO RESOLUTION NO. 08-18

1. In order to facilitate the annual Kids Day Parade and Festival (scheduled for Saturday, July 12, 2008), the following surface roads will need to be closed to through vehicular traffic:
 - a. **FESTIVAL:**
From 8:00 a.m. to 5:00 p.m. (or end of festival):
 - ❖ West Cotati Avenue – from Olaf/William Streets to La Plaza Street
 - ❖ La Plaza Street – from West Sierra Avenue to West Cotati Avenue
 - ❖ La Plaza Street – from West Cotati Avenue to Old Redwood Highway
 - b. **PARADE ROUTE:**
From 9:45 a.m. to 11:00 a.m. (or end of parade):
 - ❖ East School Street
 - ❖ El Rancho Drive
 - ❖ West Sierra Avenue – between Valparaiso Avenue and Old Redwood Highway
 - ❖ Henry Street
 - ❖ Olaf Street
 - ❖ Delano Street
 - ❖ Page Street
 - ❖ Old Redwood Highway – between Henry/Charles Streets and La Plaza Street North
 - ❖ East Cotati Avenue – between La Plaza Street and Old Redwood Highway

2. In addition, temporary “no parking” signs shall be erected to ease traffic congestion and enhance spectator visibility.

a. **FESTIVAL:**

From 8:00 a.m. to 5:00 p.m. (or end of festival):

- ❖ West Cotati Avenue – midblock – East to La Plaza Street (both sides of the roadway). A portion of the North side will be reserved for handicapped parking
- ❖ West Cotati Avenue – Two Hours Parking Signs – from La Plaza Street west to approximately the mid- block
- ❖ La Plaza Street – from West Sierra Avenue to Old Redwood Highway (both sides of the roadway)
- ❖ La Plaza Street – from West Cotati Avenue to Old Redwood Highway (both sides of the roadway)

b. **PARADE ROUTE:**

From 8:00 a.m. to 11:00 a.m. (or end of parade):

- ❖ East School Street – between El Rancho Drive and West Sierra Avenue (West side of roadway)
- ❖ Henry Street – between West Sierra Avenue and Old Redwood Highway (both sides of the roadway)
- ❖ Old Redwood Highway – between Henry/Charles Streets and La Plaza Street
- ❖ Old Redwood Highway – between La Plaza Street (South) to McGinnis Circle (North) [both sides of roadway]

c. **TRAFFIC FLOW:**

From 8:00 a.m. to 11:00 a.m. (or end of parade):

- ❖ La Plaza Street – between Old Redwood Highway and East Sierra Avenue (both sides of the roadway)
- ❖ La Plaza Street – between East Sierra Avenue and East Cotati Avenue (both sides of the roadway)
- ❖ East Cotati Avenue – between La Plaza/Charles Streets (both sides of the roadway)

City Council Agenda Consent Calendar

Subject: Approval for the use of La Plaza park on Saturday June 14, 2008, for the 28th annual Cotati Jazz and Arts Festival, including the use of amplified music, sale of alcoholic beverages and food; approval for the closure and use of two parking spaces fronting 8280 and 8282 Old Redwood Hwy. to provide a stage venue for music, and waive of all use fees.

Date: May 14, 2008

Written By: Robert Stewart, Chief of Police

RECOMMENDATIONS:

It is recommended by the Police Department that the Council, by motion, 1) 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, 2) Approve the use of amplified music in La Plaza Park for the event; 3) Approve the sale of alcoholic beverages and food for the event; 4) Approve 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 5) Waive all use fees for event.

Background:

The 28th Annual Cotati Jazz and Arts Festival has been scheduled this year for Saturday June 14, 2008 in La Plaza Park and at various private venues throughout the city. The Chamber of Commerce is the sponsoring organization for this event, after assuming a leadership role five years ago.

Analysis/Discussion:

This year the Cotati Chamber of Commerce has again organized the event. The event will feature music in the La Plaza Park from noon until 9:00 pm. The Chamber of Commerce is requesting the use of La Plaza Park and the Bandstand from 8:00 AM through 10:00 PM to allow for set-up, breakdown, and clean-up of the festival. Music will continue into the night at several different indoor venues. The applicant has also requested the use of two parking spaces fronting 8280 and 8282 Old Redwood Hwy. to provide a stage venue for performers. A request letter accompanies this report as attachment 1.

The event is free of charge, although some of the indoor venues may impose a cover charge. As was the case last year, there will be exhibits from local artists that will be displayed throughout the park. Additionally, vendors selling food and beverages as well

as merchandise will participate in the event. Alcoholic Beverages and food will also be sold in La Plaza Park in conjunction with the festival.

Financial Considerations:

Applicant has requested waiver of the following fees:

Park use fee incorporating a \$250.00 refundable deposit \$ 350

The Chamber will operate under a single business license covering the vendors that do not presently have a City of Cotati business license. The Chamber will collect a fee of \$15 per vendor and remit to the City after the event.

Legal Considerations:

- 1) The Cotati Chamber of Commerce will be required to provide evidence of insurance coverage sufficient to meet the requirements set forth by the City's insurance pool.
- 2) The Chamber of Commerce must obtain a temporary sales permit from the State Alcoholic Beverage Control to serve alcoholic beverages.

Environmental Issues:

None

Attachments:

Request for Use Park Facilities form completed by the Cotati Chamber of Commerce
Letter from Cotati Gateway LLC dated April 24, 2008

REQUEST FOR USE OF
PARK FACILITIES

201 West Sierra Avenue, Cotati CA 94931 (707)792-4600 Fax: (707)795-7067



Name of Organization: COTATI CHAMBER OF COMMERCE

Applicant serving as representative: Suzanne Whipple

Address: 216 E. School st. Cotati CA 94931
Street City State Zip Code

Phone Number: 795-5508 Email Address: chamber@cotati.org

DATE OF EVENT: 6/14/08 Arrival/Completion Time: 8 am. - 10 p.m.
event: 12 noon - 9 p.m.

Estimated Attendees: 300 Tax ID # (if Non-Profit): 94-2473605

INTENDED USE OF PARK: Cotati Jazz, Wine & Arts Festival

PARK REQUESTED:

La Plaza Park Kotate Park
 Draper Park Falletti Park
 Putnam Park Veterans Park

Alcoholic Beverages served: Yes Sold Food served: Yes Sold
Street Closure Requested: Yes No Park Closure Requested: Yes No
Animals: _____ Electricity Needed: Yes No
Inflatable Jump House/Pony Rides: Yes No (See Policy for insurance requirements)

Use of the above facilities may be pre-empted if City business so requires.

As an applicant for use of City of Cotati facilities, I hereby agree to assume all risks for loss, damage, liability, injury, cost or any expense that may arise during or be caused in any way by use or occupancy of any area or facility of the City of Cotati. I further agree that in consideration of being permitted to use said facility, I will hold the City of Cotati, its officials and employees free and harmless from any loss, liabilities, damages, and/or injuries to persons and property occurring during applicant's use or public liability insurance as stated in "facility use and reservation policy" with the City of Cotati named as additional insured to be submitted no later than one month prior to the rental date. I have read the rules and regulations of rental carefully and agree to them as written. **I understand that applications not submitted thirty (30) days prior to event may not be able to be processed.**

Applicant Signature: Suzanne Whipple Date: 3/17/08

Date of Application: _____ Additional Conditions and/or Comments: _____

Date Insurance Certificate Rec'd: _____

Park Use Fee: _____ Deposit Received: _____ Deposit Returned: _____
001 0100 42214 001 0100 20063

Security Contract Received: _____
City Manager's Office Police Department

Group Classification: Cotati Resident Non - Resident

ATTACHMENT 1

2008 Jazz Festival

Cotati Gateway LLC
101 Ross St.
Cotati, CA 94931
(707) 794-0819
24 April 2008

Robert Stewart, Chief of Police
Cotati Police Department
203 West Sierra Ave.
Cotati, CA 94931

Mr. Stewart:

As discussed during our meeting with you on Tuesday the 22nd, Matt Kramer and I are trying to organize a venue for the 28th Annual Cotati Jazz Festival, which will take place on Saturday June 14th, 2008. We'd like to set up a stage in the diagonal parking on the east side of Old Redwood Highway north of Page Street. As shown on the attached map, the location we've selected is in the 100' right-of-way and is directly in front of two businesses: Ordinary Miracles (8280 Old Red) and Copy, Mail & More (8282 Old Red).

Since we are aware that street parking is at a premium during the festival, we would attempt to minimize the parking impact, which would be not more than two spaces for one day. Parking for individuals with disabilities would not be impacted.

Since providing outdoor music is our goal, businesses and residences in the area would be subjected to amplified sound between the hours of 11:30 a.m. and 6:00 p.m. on the day of the festival. We promise to maintain sound levels appropriate to the circumstances. We've obtained the consent of the following business proprietors and residents:

Bob Brooks, proprietor of Copy, Mail & More (8282 Old Red)



Matt Kramer, proprietor of Ordinary Miracles (8280 Old Red)



Arlene Woolery, proprietor of Unique to Antique (8278 Old Red)



Michele Knoop, resident of 101 Ross St. #20



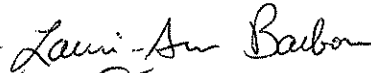
Richard Senghas, resident of 101 Ross St. #21



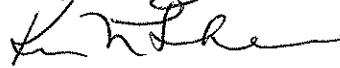
Judy Newton, resident of 101 Ross St. #22



Laurie-Ann Barbour, resident of 101 Ross St. #24



Karen Mitchell, resident of 101 Ross St. #26



Robert Crane, proprietor of KEMA (8276)



Daya Cefin DAYA CEGLIA (SUBTENANT AT 8276 OLD REDWOOD)

Rufina E1 Paso 8274 Old Redwood Hwy

Gaile Sharp cuts 8272 Old Redwood Hwy

May Kung resident 101 Ross #23

Nu Vang "Cotati Creek Cafe" 8270 Redwood.

Heather Picard 101 Ross #19

Adam L. Hill 101 Ross St #25

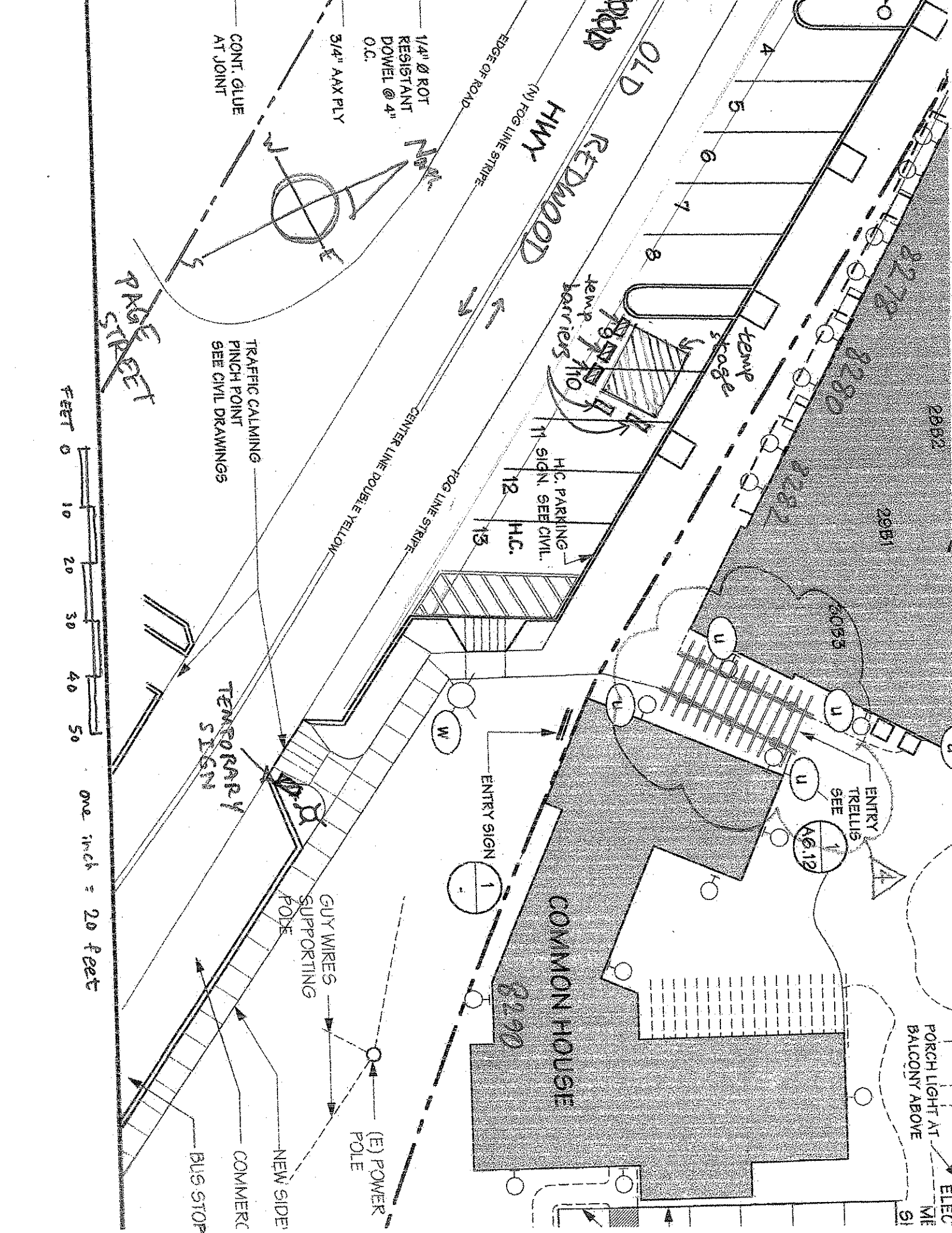
For safety, we would place temporary protective barriers between vehicle traffic and the stage (as shown on the map) and post a temporary sign at the pedestrian crossing (as shown). The sign would alert northbound vehicle traffic with a message such as "Special Event Ahead" or as you specify. The barriers would be steel crowd control barricades or as you specify.

If this plan is acceptable to you, please assist us in getting any necessary approvals.

Thank you for your assistance and attention to this matter. We look forward to a festive and fun Jazz Festival this year.

Sincerely,

Stephen R. Gold
Stephen R. Gold (707) 794-0819
Matt Kramer (707) 795-6057



City Council Agenda Consent Calendar

Subject: Adoption of Resolution No. 08-21 authorizing temporary closure of certain streets to facilitate the 2008 Accordion Festival; authorize use of La Plaza park for the annual Accordion Festival on Saturday, August 23, 2008 and Sunday, August 24, 2008 with amplified music, perimeter fencing and alcoholic beverage sales and consumption; waiving of specific fees as directed by Council

Date: May 14, 2008

Written By: Robert Stewart, Chief of Police

Recommendations:

It is recommended that the City Council:

- Adopt Resolution # 08-21 Authorizing Temporary Closure of Certain Streets to Facilitate the Festival.
- Move to approve the 2008 Cotati Accordion Festival event, scheduled for Saturday August 23, 2008 between the hours of 8:00 a.m. and 9:00 p.m. and on Sunday August 24, 2008 between the hours of 8:00 a.m. and 9:00 p.m. which includes the use and fencing of La Plaza Park and surrounding areas, the sale of beer and wine, playing of amplified music.
- Waive City fees in the amount \$1,200.
- Waive costs in the amount of \$1,617.96 if certain conditions are met.

Background:

On Saturday, August 23, 2008, and Sunday, August 24, 2008, the Cotati Accordion Festival Board of Directors will host the Eighteenth Annual Accordion Festival in the downtown area. As is noted in the attached Request for Use of City of Cotati Facilities form, the event coordinators are once again requesting permission to use La Plaza Park, the Bandstand with electricity, and the area surrounding the park resulting in the street closures as listed in Exhibit A. Furthermore, a request has been made by the Accordion Festival to have the City Council waive City fees and costs. Council approval is also required in order for the organizers to fence the festival area, to sell beer and wine and to play amplified music.

Analysis / Discussion:

The application for park use requests that the hours of 6:00 a.m. on August 23, 2008 to 9:00 p.m. on August 24, 2008. Last year the use of the park was limited to the hours of 8:00 a.m. to 9:00 p.m. which seems appropriate for this type of event with music starting around 9:30 a.m. Therefore, the police department recommends the hours of park use for Augusts 23rd and 24th be limited to 8:00 a.m. to 9:00 p.m. with amplified music not starting before 9:30 a.m.

Staff recommends the traffic routing plan that has been used for the past eight years. This plan has proven to lessen negative community impact by keeping Old Redwood Highway and East Cotati Avenue open throughout the event. The plan also allows for parking on William Street, Olaf Street, Henry Street and La Plaza Avenue between East Cotati Avenue and Old Redwood Highway and only affects one bus stop.

As we have done in recent years, "No Parking" signs will be placed in the bicycle lanes on West Sierra Avenue from La Plaza Avenue to East School Street. This will serve to inform drivers that this is not additional or overflow parking for the festival. It will also ensure that the bicycle lanes remain open for their designated use.

Exhibit A describes the street closures and parking restrictions necessary to effect the orderly movement of vehicle and pedestrian traffic between August 22, 2008 beginning around 8:30 a.m. and ending August 25, 2008 around 11:00 a.m. All parking restriction signage will be put into place at least twenty-four (24) hours in advance of the street closures in order to allow for enforcement activity.

Financial Considerations:

The total anticipated cost (fee waiver and direct) to the City of Cotati for the Eighteenth Annual Accordion Festival are shown below. This year's closure requires Public Works personnel to work on an overtime basis while closing the streets for the event.

Park Use/Street Closure Fees (historically waived)

Street Closure Fee	\$ 900.00 (\$250 fee plus equipment rental cost (approximate))
Park Rental	<u>300.00</u>
Total Fees	\$1,200.00

No Parking Sign Placement and Preparations:

Preparation:

Maintenance Workers (2): 4 hours 123.25

Placement:

Field Maintenance Supervisor: 1.5 hours 59.66
and Maintenance Workers (3): 4.5 hours 138.66

Notification Notices and Postage:

Postcards &, labels (200)	30.00
Postage (postcard rate, same as bulk without license)	48.00

Street Closures:

Field Maintenance Supervisor: 8 hours @ overtime pay	478.87
Maintenance Workers (2): 16 hours @ overtime pay	<u>739.52</u>
Total Direct Costs	\$1,617.96

As was required last year, a deposit for the direct costs above (**\$1,617.96**) will be required to be paid within 30 days of approval of the application, with the understanding that those costs would be reimbursed to the Festival within 30 days of the receipt of financial documentation for the 2008 event similar to that required in the Policy of Providing Funding for Non-Profit Organizations.

The Festival organizers be required to provide an additional deposit of **\$2,526.50** within 30 days of approval of the application to cover the estimated costs for event insurance. This requirement is being added to ensure that the event has sufficient insurance coverage to meet the requirements of the City's insurance pool. The City has previously experienced problems receiving the list of vendors and /or payment for the insurance prior to the event. The deposit will be forfeited unless the complete vendor list, along with appropriate proof of insurance coverage and full payment, is submitted to the Director of Administrative Services no later than three (3) weeks prior to the event. The insurance deposit will be returned immediately upon receipt of the previously listed items.

Lastly, to maintain consistency with other events held in La Plaza Park, staff is requesting that the Accordion Festival operate under a single business license covering vendors that do not presently have a City of Cotati business license. The Festival will collect a fee of \$15 per vendor and remit to the City within 30 days of the event.

Legal Considerations:

California Vehicle Code Section 21101(e) authorizes the temporary closing of a portion of any street for celebrations, parades, local special events and other purposes when, in the opinion of local authorities having jurisdiction, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

Environmental Issues:

None

Attachments:

Proposed Resolution No. 08-21
Request for Use Park Facilities form for Cotati Accordion Festival
Letter date-stamped received May 1, 2008 from Scott Goree

RESOLUTION NO. 08-21

**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**

WHEREAS, on Saturday, August 23, 2008, and Sunday, August 24, 2008, the Cotati Accordion Festival board will host the seventeenth annual Accordion Festival in the downtown area; and

WHEREAS, California Vehicle Code Section 211101(e) authorizes temporary street closures where certain conditions exist; and

WHEREAS, it will be necessary to temporarily close certain streets as described in Exhibit A (attached) beginning on Friday, August 22, 2008 at 8:30 a.m., through Monday, August 25, 2008 at 11:00 a.m.; and

WHEREAS, the Chief of Police of the City of Cotati has arranged for temporary street closure and traffic rerouting which will minimize the traffic hazard conditions and allow for orderly movement of traffic; and

WHEREAS, the Chief of Police is in contact with the Chief of the Rancho Adobe Fire Protection District, ambulance services and others who may need ingress, egress or ability to traverse the affected area and has reasonably provided for their needs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cotati that the Chief of Police is to effect the temporary street closure and traffic rerouting beginning at 8:30 a.m. on Friday, August 22, 2008, and ending at 11:00 a.m. on Monday, August 25, 2008, as deemed necessary; and

BE IT FURTHER RESOLVED that the Chief of Police communicate needed temporary street closure and traffic rerouting to fire, ambulance and other emergency providers, including a plan for accessibility.

IT IS HEREBY CERTIFIED that the foregoing resolution was duly introduced and legally adopted at a regular meeting of the City Council of the City of Cotati held on the 14th day of May, 2008, by the following vote, to wit:

GILARDI _____
GUARDINO _____
FOX _____
MINNIS _____
ORCHARD _____

Approved: _____
Mayor

Attest: _____
Deputy City Clerk

EXHIBIT A

TO RESOLUTION 08-21

The following streets will be closed Friday, August 22, 2008, 8:30 a.m., through Monday, August 25, 2008, 11:00 a.m.:

- ❖ **West Sierra Avenue** between Old Redwood Highway and La Plaza
- ❖ **West Cotati Avenue** from William/Olaf Streets to La Plaza
- ❖ **La Plaza** – from Old Redwood Highway to West Cotati Avenue
- ❖ **La Plaza** – from West Cotati Avenue to West Sierra Avenue

The following traffic lanes will be closed to through traffic between Friday, August 22, 2008, 8:30 a.m., through Monday, August 25, 2008, 11:00 a.m.:

- ❖ No. 2 Westbound Lane of East Cotati Avenue at the intersection of Old Redwood Highway
- ❖ No. 1, left turn lane, of Old Redwood Highway onto West Sierra Avenue
- ❖ Left turn lane on Old Redwood Highway, Northbound at La Plaza North

The following streets may be designated “No Parking” in order to ease congestion on the detour routes:

- ❖ **La Plaza** – from West Sierra Avenue to Old Redwood Highway (South side of the roadway)
- ❖ **La Plaza** – the first eight parking spaces running north from West Sierra Avenue to be blocked off on Thursday evening
- ❖ **West Cotati Avenue** – from Olaf Street to La Plaza (South side of the roadway)
- ❖ **West Sierra Avenue** – from La Plaza to East School Street

The following street will be designated for “handicapped parking:”

- ❖ **West Cotati Avenue** (midblock) to La Plaza (North side of the roadway)

REQUEST FOR USE OF
PARK FACILITIES

201 West Sierra Avenue, Cotati CA 94931 (707)792-4600 Fax: (707)795-7067



Name of Organization: THE COTATI ACCORDION FESTIVAL, INC.

Applicant serving as representative: SCOTT GOREG

Address: 1935 ALAN DR. PENNGRAVE CA 94951
Street City State Zip Code

Phone Number: 707 664-0444 Email Address: INFO@COTATIFEST.COM

DATE OF EVENT: 8/23rd & 8/24/08 Arrival/Completion Time: 6AM 8/23/08 to 9PM 8/24/08

Estimated Attendees: 4,000 Tax ID # (if Non-Profit): 68-0343110

INTENDED USE OF PARK: ACCORDION FESTIVAL, WINE, BEER, DANCING, MUSIC & VENDORS

PARK REQUESTED:

- | | |
|---|--|
| <input checked="" type="checkbox"/> La Plaza Park | <input type="checkbox"/> Kotate Park |
| <input type="checkbox"/> Draper Park | <input type="checkbox"/> Falletti Park |
| <input type="checkbox"/> Putnam Park | <input type="checkbox"/> Veterans Park |

Alcoholic Beverages served: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Sold <input type="checkbox"/>	Food served: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Sold <input type="checkbox"/>
Street Closure Requested: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Park Closure Requested: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Animals: <input type="checkbox"/>		Electricity Needed: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Inflatable Jump House: Yes <input type="checkbox"/> No <input type="checkbox"/>		Pony Rides: Yes <input type="checkbox"/> No <input type="checkbox"/>	

(See Policy for insurance requirements)

Use of the above facilities may be pre-empted if City business so requires.

As an applicant for use of City of Cotati facilities, I hereby agree to assume all risks for loss, damage, liability, injury, cost or any expense that may arise during or be caused in any way by use or occupancy of any area or facility of the City of Cotati. I further agree that in consideration of being permitted to use said facility, I will hold the City of Cotati, its officials and employees free and harmless from any loss, liabilities, damages, and/or injuries to persons and property occurring during applicant's use or public liability insurance as stated in "facility use and reservation policy" with the City of Cotati named as additional insured to be submitted no later than one month prior to the rental date. I have read the rules and regulations of rental carefully and agree to them as written. **I understand that applications not submitted thirty (30) days prior to event may not be able to be processed.**

Applicant Signature: [Signature] Date: 3/26/08

Date of Application: _____ Additional Conditions and/or Comments: _____

Date Insurance Certificate Rec'd: _____

Park Use Fee: _____ Deposit Received: _____ Deposit Returned: _____
001 0100 42214 001 0100 20063

Security Contract Received: _____
City Manager's Office 4.10 Police Department

Group Classification: Cotati Resident Non - Resident

Terry
We will be completing staff report
[Signature]



August 23 & 24, 2008

Web Site: www.cotatifest.com

E-Mail: info@cotatifest.com 707-664-0444
P.O. Box 809, Cotati, California 94931

Advertising & Booths: Linda Conner

Voice: 707-585-2910 Fax: 707-585-2920

RECEIVED
MAY - 1 2008
CITY OF COTATI
CITY MANAGER/CITY CLERK

THE COTATI ACCORDION FESTIVAL
IS A NON-PROFIT ORGANIZATION WHICH
BENEFITS THE COTATI/ROHNERT PARK
SCHOOLS PERFORMING ARTS,
MUSIC PROGRAMS AND OTHER LOCAL
YOUTH ORGANIZATIONS.

Donations
& Sponsorships
Gratefully
Accepted

Dear Cotati City Council,

We are well underway in the production of the 18th Annual Cotati Accordion Festival. We are completing the contracts with the vendors, the musicians and the many businesses that are involved in producing our annual event.

We would like to sincerely thank the Cotati City Council and the Cotati Police Department for aiding and supporting the production of another successful festival last August. We also want to thank all the volunteer groups that give us their time and effort in order to make the festival enjoyable for all.

We are again requesting the permission to use La Plaza Park and the surrounding area for the 2008 Cotati Accordion Festival on August 23rd and 24th. We hope that the council will again show their support for the festival by waiving all the fees of any of the city's costs that are associated with this year's festival. Waiving the fees, providing waste services and donating the many hours of city employees has given the festival the margin that it survives on.

As a result of the city's support, we were able, last year, to donate \$18,250 to local youth groups. Out of the festivals proceeds, \$5,000 went to the Cotati/Rohnert Park Education Foundation, \$5,000 went to the Cotati/Rohnert Park Nursery Co-op, \$5,000 went to Thomas Page Elementary School, \$2,000 went to Boy Scout Troup 4, and \$1,200 went to Penngrove Elementary School. Each one of these groups contributed valuable support for the festival.

The cooperation and appreciation that we receive from both the city government and local citizens, is what makes the festival operate. We will be trying our best to produce another quality event, and will make every effort to reflect positive on the community of Cotati as we have in the past. If you have any questions at all, please call us at 664-0444.

Thank you,
Scott Goree
CAF co-producer



City Council Agenda Consent Calendar

Subject: Approval for the Use of La Plaza Park on Saturday September 27, 2008, for the Cotati Oktoberfest, including the Use of Amplified Music, Sale of Alcoholic Beverages and Food, Waiving of all Uses Fees.

Date: May 14, 2008

Written By: Robert Stewart, Chief of Police

RECOMMENDATIONS:

It is recommended by the Police Department that the City Council, by motion, approve 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 of alcoholic beverages and food as well as waiving all use fees.

Background:

The Cotati Oktoberfest has been scheduled this year for Saturday September 27, 2008 in La Plaza Park and at various private venues throughout the city. The Chamber of Commerce is the sponsoring organization for this event just as with several other events throughout the year.

Analysis/Discussion:

The Cotati Chamber of Commerce has again organized the event. The event will feature music in the La Plaza Park from 12:00 PM until 6:00 PM. The Chamber of Commerce is requesting the use of La Plaza Park and the Bandstand from 7:30 AM through 10:00 PM to allow for set-up, breakdown, and clean-up of the event.

The Cotati Chamber of Commerce will be charging for admittance to this event. The entertainment will consist of live bands and dancers. Alcoholic Beverages and food will also be sold in La Plaza Park in conjunction with the festival.

Financial Considerations:

Applicant has requested waiver of the following fees:

Park use fee incorporating a \$250.00 refundable deposit	\$ 550
--	--------

The Chamber will operate under a single business license covering the vendors that do not presently have a City of Cotati business license. The Chamber will collect a fee of \$15 per vendor and remit to the City after the event.

Legal Considerations:

- 1) The Cotati Chamber of Commerce will be required to provide evidence of insurance coverage sufficient to meet the requirements set forth by the City's insurance pool.
- 2) The Chamber of Commerce must obtain a temporary sales permit from the State Alcoholic Beverage Control to serve alcoholic beverages.

Environmental Issues:

None

Attachments:

Request for Use Park Facilities form completed by the Cotati Chamber of Commerce

**REQUEST FOR USE OF
PARK FACILITIES**
201 West Sierra Avenue, Cotati CA 94931 (707)792-4600 Fax: (707)795-7067



Name of Organization: COTATI CHAMBER OF COMMERCE

Applicant serving as representative: Suzanne Whipple

Address: 216 E. School St. Cotati CA 94931
 Street City State Zip Code

Phone Number: 795-5508 Email Address: chamber@cotati.org

DATE OF EVENT: 9/27/08 Arrival/Completion Time: 7:30 am - 7 p.m.
Event: 12 noon - 6 p.m.

Estimated Attendees: 400 Tax ID # (if Non-Profit): 94-2473605

INTENDED USE OF PARK: Cotati Oktoberfest

PARK REQUESTED:

- | | |
|---|--|
| <input checked="" type="checkbox"/> La Plaza Park | <input type="checkbox"/> Kotate Park |
| <input type="checkbox"/> Draper Park | <input type="checkbox"/> Falletti Park |
| <input type="checkbox"/> Putnam Park | <input type="checkbox"/> Veterans Park |

Alcoholic Beverages served: Yes Sold Food served: Yes Sold
 Street Closure Requested: Yes No Park Closure Requested: Yes No
 Animals: _____ Electricity Needed: Yes No
 Inflatable Jump House/Pony Rides: Yes No (See Policy for insurance requirements)

Use of the above facilities may be pre-empted if City business so requires.

As an applicant for use of City of Cotati facilities, I hereby agree to assume all risks for loss, damage, liability, injury, cost or any expense that may arise during or be caused in any way by use or occupancy of any area or facility of the City of Cotati. I further agree that in consideration of being permitted to use said facility, I will hold the City of Cotati, its officials and employees free and harmless from any loss, liabilities, damages, and/or injuries to persons and property occurring during applicant's use or public liability insurance as stated in "facility use and reservation policy" with the City of Cotati named as additional insured to be submitted no later than one month prior to the rental date. I have read the rules and regulations of rental carefully and agree to them as written. **I understand that applications not submitted thirty (30) days prior to event may not be able to be processed.**

Applicant Signature: Suzanne Whipple Date: 3/17/08

Date of Application: _____ Additional Conditions and/or Comments: _____

Date Insurance Certificate Rec'd: _____

Park Use Fee: _____ Deposit Received: _____ Deposit Returned: _____
 001 0100 42214 001 0100 20063

Security Contract Received: _____
 City Manager's Office Police Department

Group Classification: Cotati Resident Non - Resident

City Council Agenda Consent Calendar

Subject: Authorize City Manager to Execute an Agreement for Weed Abatement Services for the 2008 Weed Abatement Program

Date: May 14, 2008

Written By: Damien O'Bid, Director of Public Works/City Engineer

Recommendation:

It is recommended that the City Council, by motion, authorize the City Manager to execute an agreement for Weed Abatement Services with Petrucci & Sons Tractor Service for the 2008 Weed Abatement Program.

Background

On April 2, 2008, the City mailed a Request for Bids to six local contractors that had expressed an interest in the Weed Abatement Program. As of the deadline for bids on April 23, 2008, the City had received two bids. The bids were submitted by Petrucci & Sons Tractor Service and by Quality & Care Tractor (Jeffrey Audiss). Copies of the bids are attached.

The low bid was submitted by Petrucci & Sons Tractor Service. It is recommended that the City Council authorize the City Manager to execute an agreement for Weed Abatement Services with Petrucci & Sons Tractor Service for the 2008 Weed Abatement Program.

Financial Considerations

The Weed Abatement Program required a General Fund subsidy in the amount of \$2253.00 in fiscal year 05-06. The required subsidy for this fiscal year is estimated to be approximately the same.

Attachments:

1. Petrucci & Sons Tractor Service Bid
2. Quality & Care Tractor (Jeffrey Audiss) Bid



For the purpose of bidding, the quantities of work will be based on amount of work performed under past year's weed abatement program. The quantities shown below should be considered as approximate and this year's quantities may vary.

*Please submit quotations in accordance with the following schedule.

Item No.	Description of Work	Approximate Quantity Based on Past Year's Work	Unit	Unit Bid Price	Total
1.	Zero to one acre	<u>8</u>	lots	\$ <u>280.00</u>	\$ <u>280.00</u>
2.	More than one but less than two acres	<u>4</u>	lots	\$ <u>315.00</u>	\$ <u>315.00</u>
3.	Equal to or more than two but less than four acres	<u>3</u>	lots	\$ <u>325.00</u>	\$ <u>325.00</u>
4.	Equal to or more than four but less than six acres	<u>1</u>	lots	\$ <u>375.00</u>	\$ <u>375.00</u>
5.	Equal to or more than six acres but less than eight acres	<u>0</u>	lots	\$ <u>400.00</u>	\$ <u>400.00</u>
6.	Equal to or more than eight acres	<u>0</u>	lots	\$ <u>405.00</u>	\$ <u>405.00</u>
7.	On those lots where grazing of animals is occurring, the only work required is the mowing of a 20 foot wide path around the perimeter of the lot	<u>2</u>	lots	\$ <u>200.00</u>	\$ <u>200.00</u>
8.	Hand labor and rubbish removal (including necessary equipment)	_____	hours	\$ <u>55.00</u> per hour	\$ <u>55.00</u>

*** Please be aware that the number of lots indicated above are based on the 2007 Weed Abatement Program and are provided as estimates for 2008. The actual number of lots cut by the contractor changes every year.**

Handwritten note: \$2355.00

Scheduling of the work is to be carried out under the direction of the City Manager or designee and only work so authorized will be eligible for payment by the City of Cotati. All work must be carried out to the satisfaction of the City Manager.

Weather permitting, actual work is scheduled to begin _____, and shall be completed prior to _____, at a minimum rate of 20 hours per week. Please list below the equipment you plan to use.

Tractor: 4710 John Deere w/ 8' Flail mower

Vehicle: International 4700 Rollback

Hand Tools: Weed eater, Push mower etc

Other: _____

Bidder's Name: Kristopher Petrucci (Petrucci & Sons)

Address: 3333 Stone Station Rd
Sebastopol CA 95472

Telephone: 707-291-4285

Date: 4-8-08

Social Security #: 604-05-1048

Please return completed bid to:

**CITY CLERK
CITY OF COTATI
201 W. SIERRA AVENUE
COTATI, CA 94931-4217**

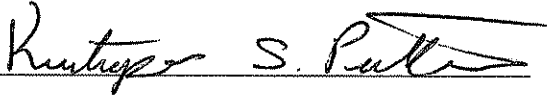
No later than 3:00 p.m. on Wednesday, April 23, 2008

For information, call the Director of Public Works/City Engineer at: (707) 665-3620

Executed at Cotati, California on the date and year first above written.

CONTRACTOR

CITY OF COTATI



City Manager

Attachment 2

For the purpose of bidding, the quantities of work will be based on amount of work performed under past year's weed abatement program. The quantities shown below should be considered as approximate and this year's quantities may vary.

*Please submit quotations in accordance with the following schedule.

Item No.	Description of Work	Approximate Quantity Based on Past Year's Work	Unit	Unit Bid Price	Total
1.	Zero to one acre	<u>8</u>	lots	\$ <u>225</u>	\$ <u>1800</u>
2.	More than one but less than two acres	<u>4</u>	lots	\$ <u>450</u>	\$ <u>1800</u>
3.	Equal to or more than two but less than four acres	<u>3</u>	lots	\$ <u>735</u>	\$ <u>2205</u>
4.	Equal to or more than four but less than six acres	<u>1</u>	lots	\$ <u>1,155⁰⁰</u>	\$ <u>1,155⁰⁰</u>
5.	Equal to or more than six acres but less than eight acres	<u>0</u>	lots	\$ <u>X</u>	\$ <u> </u>
6.	Equal to or more than eight acres	<u>0</u>	lots	\$ <u>X</u>	\$ <u> </u>
7.	On those lots where grazing of animals is occurring, the only work required is the mowing of a 20 foot wide path around the perimeter of the lot.	<u>2</u>	lots	\$ <u>210⁰⁰</u> hr.	\$ <u> </u>
8.	Hand labor and rubbish removal (including necessary equipment)	<u>?</u>	hours	\$ <u>85⁰⁰</u> per hour	\$ <u> </u>

SIZE OF ?
LOTS

*** Please be aware that the number of lots indicated above are based on the 2007 Weed Abatement Program and are provided as estimates for 2008. The actual number of lots cut by the contractor changes every year.**

\$2860⁰⁰

Scheduling of the work is to be carried out under the direction of the City Manager or designee and only work so authorized will be eligible for payment by the City of Cotati. All work must be carried out to the satisfaction of the City Manager.

Weather permitting, actual work is scheduled to begin _____, and shall be completed prior to _____, at a minimum rate of 20 hours per week. Please list below the equipment you plan to use.

Tractor: JOHN DEERE Model 2630 70hp BRUSH Hog 72" ROTARY MOWER
Vehicle: 2004 FORD P/UP 18' MORGAN BUILT TRAILER DUAL AXLE
Hand Tools: STIHL CHAIN SAW, ECHO WEED EATER, CRAFTSMAN
Other: LEAF BLOWER, DR. HIGH WEED MOWER
MODEL # 6XT 10905

Bidder's Name: JEFFREY R. AUDISS

Address: 4093 STONY POINT RD
SANTA ROSA CA 95407

Telephone: (707) 585-7937
CAI (707) 703-7719

Date: 4/22/2008

Social Security #: 570-45-1282

Please return completed bid to:

**CITY CLERK
CITY OF COTATI
201 W. SIERRA AVENUE
COTATI, CA 94931-4217**

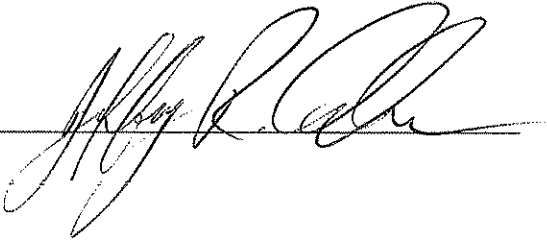
No later than 3:00 p.m. on Wednesday, April 23, 2008

For information, call the Director of Public Works/City Engineer at: (707) 665-3620

Executed at _____, California on the date and year first above written.

CONTRACTOR

CITY OF COTATI



City Manager

