MINUTES
REGULAR CITY COUNCIL MEETING AND JOINT MEETING OF THE CITY COUNCIL AND THE BOARD OF DIRECTORS OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF COTATI
WEDNESDAY JUNE 24, 2009
6:00 PM CLOSED SESSION
7:00 PM REGULAR SESSION
City Council Chambers, City Hall, 201 W. Sierra Avenue and
Via Teleconference from Holiday Inn, 14707 W. Colfax Ave., Golden, Colorado

6:00 PM CALL TO ORDER AND ROLL CALL FOR CLOSED SESSION

Mayor Guardino called the meeting to order at 6:08 p.m. in the City Council Chamber.

Councilmembers present at roll call: Barich, Gilardi, Orchard, Mayor Guardino.

Staff present: Administrative Services Director Jone Hayes, Deputy City Clerk Tamara Taylor, City Manager Dianne Thompson.

Mayor Guardino opened the floor to public comments; there being no one wishing to speak, he closed the public comment period and adjourned to closed session in the City Manager's office.

CLOSED SESSION (CITY MANAGER'S OFFICE)

CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION Significant Exposure to Litigation (Government Code Section 54956.9 (b)) (one potential case)

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)
City Designated Representative: City Manager
Employee Organizations: (1) Cotati Employees Association (2) Cotati Police Officers Association (3) Cotati Police Management Association

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (California Government Code Section 54957), CONFERENCE WITH LABOR NEGOTIATORS (California Government Code Section 54957.6)
Title: City Attorney
Agency Representative: Mayor or City Manager
Unrepresented Employee: City Attorney

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (California Government Code Section 54957)
Title: City Manager

7:00 PM (REGULAR SESSION)

CALL TO ORDER OF REGULAR CITY COUNCIL MEETING

Mayor Guardino called the meeting to order at 7:04 p.m.

ROLL CALL

Councilmembers present: Barich, Gilardi, Orchard, Vice Mayor Coleman-Senghor (via teleconference from Holiday Inn, 14707 W. Colfax Ave., Golden, Colorado), Mayor Guardino.

Staff present: Administrative Services Director Jone Hayes, Director of Public Works/City Engineer Damien O'Bid, Chief of Police Robert Stewart, Deputy City Clerk Tamara Taylor, City Manager Dianne Thompson, City Attorney Rich Rudnansky.

PLEDGE OF ALLEGIANCE

Mayor Guardino lead the pledge of allegiance.

1. APPROVAL OF MINUTES OF JUNE 10, 2009 REGULAR MEETING, AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA *(Action)*

Moved by Councilmember Orchard, seconded by Councilmember Gilardi and passed unanimously to approve the minutes of the June 10, 2009 Regular meeting as amended (revisions to discussion comments under item 3) and to waive the reading of all ordinances introduced and/or adopted under this agenda.

ANNOUNCEMENTS

The Cotati City Council invites applicants for appointment to the City's Design Review Committee (DRC). There is currently one vacancy on the DRC for a licensed architect position. Applicants for this position are NOT required to live in Cotati. Download an application from the City's website or call 665-3622 to request an application by mail.

PROCLAMATION

2. UNITED STATES ARMY WEEK JUNE 15 THROUGH JUNE 21, 2009

Corporal Kang received the proclamation on behalf of the U.S. Army.

SONOMA STATE UNIVERSITY REPRESENTATIVE REPORT

Sonoma State University Student representative Jesse Schwartz provided a verbal report to Council.

CITY MANAGER'S REPORT

City Manager Dianne Thompson reported the following:

- Clarification of the responsibility of peace officers regarding injured animals.
- Announcment that Valerie Ingraham is working in the Community Development Department as an intern.
- The 'Outdoor Pro Shop' will be relocating to Cotati.
- The Planning Commission will consider the Downtown Specific Plan and its Environmental Impact Report in July.
- The pedestrian crossings on East Cotati Avenue are now operational.
- Coastside Concrete will begin ADA sidewalk repair next week.

APPROVAL OF FINAL AGENDA

No changes.

CITIZEN BUSINESS

CITIZEN BUSINESS AT TELECONFERENCE LOCATION

No speakers.

CITIZEN BUSINESS AT COTATI CITY HALL

Adrienne Lauby presented photographs of 100 Valparaiso and expressed concern regarding development of the property and the recent fire on the site. She expressed concern regarding the State budget and requested that the Council adopt a resolution encouraging citizens to assist each other. She suggested ways to help out citizens who are facing economic hardship to the State's budget concerns and commended Council on the new pedestrian crossings on East Cotati Avenue.

Ken Coleman addressed the Council in opposition to City Manager Thompson's memo regarding staff time used by Councilmembers.

Phil Salazar discussed comments made at the June 10 City Council meeting and made suggestions regarding combining overlapping Cotati and Rohnert Park city staff positions and weed abatement.

Staff responded to questions relating to the status of weed abatement, the investigation of the recent fire at 100 Valparaiso, economic help for citizens whose incomes depend on the State budget, the memorandum regarding Council's use of staff's hours, and tree removal at 100 Valpariaso.

Councilmember Orchard reminded Council that after the tree removal at 100 Valparaiso, Council adopted a practice of referring similar tree removals to the Design Review Committee.

DIRECTION ON FUTURE AGENDA ITEMS

Discussion ensued relative to reopening Citizens' Business at the end of the meeting; the consensus was to leave to the Mayor's discretion. Further discussion ensued regarding future discussion of closing the Planning division. The majority of Council was opposed.

CONSENT CALENDAR

Items 3 and 7 were pulled from the Consent Calendar for discussion.

Moved by Councilmember Gilardi, seconded by Councilmember Orchard, and passed unanimously to approve items 4, 5, 6 and 8 on the Consent Calendar.

3. AUTHORIZING TEMPORARY STREET CLOSURE AND AMPLIFIED MUSIC FOR THE 17TH ANNUAL KIDS DAY PARADE AND FESTIVAL ON SATURDAY, JULY 18, 2009 (Police) *(Action)*

Chief of Police Robert Stewart presented the staff report and responded to questions from Council regarding the cost of the event to the City.

Brief discussion ensued regarding the use of volunteers for this event.

Mayor Guardino opened the floor to public comment.

Phil Salazar expressed concern regarding the liability of using volunteers at the Kids Day event.

Susan Harvey noted that volunteers need to come forward with a plan; just stating it doesn't help.

Suzanne Whipple commented that she and many others volunteer their time at the Kids Day event.

Chief Stewart discussed the need to use City staff for certain tasks related to the event; he noted that many people volunteer their time to make the event a success.

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

Councilmember Orchard commended the many volunteers who work hard on the Kids Day event.

Moved by Councilmember Gilardi, seconded by Councilmember Orchard and passed unanimously to adopt Resolution No. 2009-21 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AUTHORIZING THE TEMPORARY STREET CLOSURE OF CERTAIN STREETS TO FACILITATE THE 17th ANNUAL KIDS DAY PARADE AND FESTIVAL ON SATURDAY, JULY 18, 2009 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.

4. SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE OUTSTANDING BACKFLOW TESTING CHARGES AND DIRECTING LEVYING OF ASSESSMENTS FOR FISCAL YEAR 2009-2010 (Administrative Services) *(Action)*

Resolution No. 2009-22 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE OUTSTANDING BACKFLOW TESTING CHARGES AND DIRECTING LEVYING OF ASSESSMENTS FOR FISCAL YEAR 2009-2010.

5. SETTING A PUBLIC HEARING DATE FOR ESTABLISHING OUTSTANDING SEWER CHARGE FOR FISCAL YEAR 2009-2010 (Administrative Services) *(Action)*

Resolution No. 2009-23 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE OUTSTANDING WATER/SEWER CHARGES AND DIRECTING LEVYING OF ASSESSMENTS FOR FISCAL YEAR 2009-2010.

6. SETTING A PUBLIC HEARING DATE FOR ESTABLISHING LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATES (Administrative Services) *(Action)*

Resolution No. 2009-24 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATE FOR VALPARAISO VISTA SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2009-10.

Resolution No. 2009-25 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATE FOR QUAIL HOLLOW IV SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2009-10.

Resolution No. 2009-26 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATE

FOR SOMMERS SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2009-10.

Resolution No. 2009-27 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATE FOR MACKLIN PHASE I SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2009-10.

Resolution No. 2009-28 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATE FOR SIERRA MEADOWS SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2009-10.

Resolution No. 2009-29 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATE FOR OAK KNOLL SUBDIVISION LANDSCAPING AND LIGHTING MINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2009-10.

Resolution No. 2009-30 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATE FOR GARDEN GATE SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2009-10.

Resolution No. 2009-31 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATE FOR PARK MEADOWS SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2009-10.

Resolution No. 2009-32 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATE FOR SANTERO WAY DEVELOPMENTS LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2009-10.

Resolution No. 2009-33 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATE FOR ALTMAN ACRES SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2009-10.

7. LETTER OF SUPPORT FOR AB 1343 – ARCHITECTURAL PAINT RECYCLING (City Manager) (*Action*)

Assistant to the City Manager/Acting Community Development Director Marsha Sue Lustig presented the staff report and responded to questions from Council.

Mayor Guardino opened the floor to public comment.

Phil Salazar clarified his comments regarding volunteers. He suggested re-using paint.

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

Moved by Councilmember Orchard, seconded by Councilmember Gilardi and passed unanimously to adopt a motion to send a letter of support to Assembly Member Jared Huffman in support of AB 1343 (if amended) regarding architectural paint recycling.

8. UNCONSTITUTIONAL DIVERSION OF LOCAL SHARES OF HIGHWAY USERS TAX ACCOUNT (HUTA) FROM THE MOTOR FUEL (GAS) TAX (City Manager) (*Action*)

Resolution No. 2009-34 entitled: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AUTHORIZING THE CITY MANAGER TO COOPERATE WITH THE LEAGUE OF CALIFORNIA CITIES, OTHER CITIES AND COUNTIES IN CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY STATE GOVERNMENT OF THE CITY'S STREET MAINTENANCE FUNDS.

REGULAR AGENDA

9. PROPOSED WATER CONSERVATION MEASURES (Public Works/Engineering) *(Action)*

Director of Public Works/City Engineer Damien O'Bid presented the staff report and responded to questions from Council relating to the rate structure, number of residents in a household, type of water usage within a household, cost of programs to the rate-payers, and the water meters proposed for the pilot program.

Mayor Guardino opened the floor to public comment.

Phil Salazar addressed the Council regarding citizens who currently conserve water, how the public perceives the City and the Sonoma County Water Agency and use of computers for tracking water use.

Adrienne Lauby expressed support for the proposal.

robin birdsong commended staff of the new pedestrian crossings on East Cotati Avenue and discussed the use of gray water.

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

Council expressed support for the water conservation programs.

Moved by Councilmember Orchard, seconded by Councilmember Gilardi and passed unanimously to adopt Resolution No. 2009-35 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI DIRECTING STAFF TO PROCEED WITH SPECIFIC WATER CONSERVATION ACTIVITIES AND PROGRAMS.

10. ECONOMIC DEVELOPMENT SUBCOMMITTEE (City Manager) (*Action*)

City Manager Dianne Thompson presented the staff report and responded to questions from Council.

Discussion ensued regarding a business plan for the City and the need for an economic development subcommittee

Mayor Guardino opened the floor to public comment.

Phil Salazar discussed traffic on Valparaiso, businesses in Cotati, cost of water and making amends to the public before starting new programs.

robin birdsong addressed the Council regarding how to define the term ‘economic development’. She encouraged green, sustainable economic redevelopment and getting the public involved in economic development.

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

Councilmember Gilardi commended the Chamber of Commerce for its efforts in encouraging businesses in Cotati and events that bring people to Cotati. She noted that we haven’t had a plan for how to bring businesses here and expressed support for a subcommittee.

Councilmember Barich expessed support for the subcommittee.

Vice Mayor Coleman-Senghor discussed the need for a goal and charge for the subcommittee.

Mayor Guardino indicated, and the rest of Council concurred, that the subcommittee could enrich the relationship between the Council and the Chamber of Commerce. It would be helpful in stakeholder outreach, bringing feedback from the Chamber of Commerce and the public to form goals and a charge based on what the people in the City are concerned about.

Discussion ensued relative to the members of the subcommittee. Councilmember Orchard volunteered herself and suggested that the Mayor also be a member.

Moved by Councilmember Gilardi to form an Economic Development Subcommittee of the Council comprised of Councilmember Orchard and Mayor Guardino.

Councilmember Barich expressed concern that the Mayor is overwhelmed with responsibilities and volunteered himself to be a member of the subcommittee.

The majority of the Council did not support Councilmember Barich's amendment to the motion.

The motion as originally made was seconded by Councilmember Orchard and passed unanimously.

ADJOURNMENT OF REGULAR MEETING OF THE CITY COUNCIL AND CALL TO ORDER OF JOINT MEETING OF CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY BOARD OF DIRECTORS

Mayor Guardino adjourned the regular City Council meeting and called the joint meeting to order at 8:49 p.m.

CONSENT CALENDAR

Moved by Councilmember Orchard seconded by Councilmember Gilardi and passed unanimously to approve items 11 and 12 on the Consent Calendar.

11. WARRANTS AND AUDITED CLAIMS (Administrative Services) ***(Action)***

This motion receives and files warrants and audited claims for May 28th, 2009 – June 10th, 2009.

12. CONSIDERATION OF ADOPTION OF RESOLUTIONS OF THE CITY COUNCIL / BOARD OF DIRECTORS CONTINUING THE FY 08-09 BUDGET (Administrative Services) ***(Action)***

Resolution No. 2009-36 and CRA-214 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AND THE COTATI COMMUNITY REDEVELOPMENT AGENCY CONTINUING THE FISCAL YEAR 2008-2009 BUDGET

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

Mayor Guardino adjourned the joint meeting and reconvened the regular meeting to order at 8:50 p.m.

CITY COUNCIL REPORTS *(Discussion)*

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

Vice Mayor Coleman-Senghor left the meeting at this time.

ADJOURNMENT OF REGULAR CITY COUNCIL MEETING

Mayor Guardino adjourned the regular meeting at 8:55 p.m.

Respectfully Submitted,

/s/ Tamara Taylor, Deputy City Clerk