



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
JULY 23, 2008 7:00 PM
City Council Chambers, City Hall, 201 W. Sierra Avenue

6:30 PM CLOSED SESSION

CALL TO ORDER (CITY COUNCIL CHAMBERS)

Mayor Gilardi called the regular meeting to order at 6:30 p.m. and opened the floor to comments regarding the closed session items. There being no one wishing to speak, she adjourned to closed session in the City Manger's office.

ADJOURNMENT TO CLOSED SESSION (CITY MANAGER'S OFFICE)

CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION
(Government Code Section 54956.9(a))

The People of the State of California (Cotati) vs. Fred Andreoli et al (Sonoma County Superior Court Case # 206887)

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
(Government Code Section 54956.9(b))

Significant Exposure to Litigation (one potential case)

7:00 PM (REGULAR SESSION)

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, O'Bid, Rudnansky, Taylor, Thompson

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

- 1. APPROVAL OF MINUTES OF JULY 2 AND JULY 9, 2008 REGULAR MEETINGS AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA**
(Action)

George Barich requested that his comments on July 9 under 'Citizens' Business' reflect his charge that Mayor Gilardi violated the Councilmembers' civil rights and right to free

speech to comment on citizen's questions, and that he asked for an apology from the Mayor.

City Attorney Rudnansky indicated that the Councilmembers' rights were not violated.

Robert Coleman of Cotati indicated support that Mr. Barich's comments be reflected in the minutes.

Mayor Gilardi noted that the minutes provide a summary of action at a meeting and that she had indicated to Mr. Barich on July 9 that the Councilmembers' right to free speech was not violated.

Moved by Councilmember Minnis, seconded by Councilmember Orchard and passed unanimously to approve the minutes of the July 2 Regular meeting as presented and the minutes of the July 9, 2008 regular meeting modified to reflect Mr. Barich's and Mayor Gilardi's comments relating to free speech, and to waive the reading of all resolutions and ordinances introduced and/or adopted under this agenda.

APPROVAL OF FINAL AGENDA

Mayor Gilardi announced that item no. 9 would be heard before item no. 8.

CITY MANAGER'S REPORT

City Manager Dianne Thompson reported the following:

- Recreation Manager Terry Dutra was recognized for her efforts on the successful Kids Day parade and festival.
- Update on outreach to senior citizens during extreme weather: flyers with information on wildfires and staying cool and were distributed to mobilehome park residents and Charles Street Village residents.
- Acting Planning Manager Margaret Kavanaugh-Lynch was introduced to the Council.
- Cotati's K-9 D'Jango passed away suddenly yesterday, July 22. A Memorial to D'Jango has been set up in the Police Department.

CITIZEN BUSINESS

Robert Coleman-Senghor commended the Kids Day festival and parade and requested that the start place of the parade be moved elsewhere so doesn't block East School Street.

George Barich of Cotati addressed the Council regarding how the Mayor conducted the impeachment item at the July 9 Council meeting.

Louise (last name not discernible) expressed opposition to Council's July 9, 2008 decision to adopt a petition to impeach the president and vice-president and encouraged Council to attend to the City's business and to patronize Cotati businesses.

Eric Kirchmann of Cotati indicated agreement with the previous speaker and noted that he had requested but not yet received contact information for the City attorney. He addressed the Council regarding correspondence from staff about him, the way the city telephone is answered, development, and sales tax revenue.

John Jenkel of Graton expressed support for the Council's July 9, 2008 decision to adopt a petition to impeach the president and vice-president and encouraged the Council to take additional action regarding undeclared war.

COUNCILMEMBER DIRECTION ON FUTURE AGENDA ITEMS (*Discussion*)

None.

ORAL AND WRITTEN COMMUNICATIONS

ANNOUNCEMENTS

The Cotati Farmers Market runs Thursdays through September 11, from 4:30 to 7:30 p.m. in La Plaza Park.

The City's Design Review Committee has a vacancy for an alternate position with landscape design experience. Interested individuals can download an application from the City's website at ci.cotati.ca.us or call 665-3623 to receive an application by mail.

Individuals who are committed to working for the betterment of the City of Cotati are invited to apply for appointment to the City's Community and Environment Commission. Download an application from the City's website at ci.cotati.ca.us or call 665-3623 to receive an application by mail.

For summer fun check out Cotati's recreation programs on the web at ci.cotati.ca.us or call the Recreation Department at 792-4600 ext. 640.

CONSENT CALENDAR

Item no. 2 and 4 were pulled from the Consent Calendar for further discussion.

Moved by Councilmember Orchard, seconded by Councilmember Minnis and passed unanimously to approve items 3 on the Consent Calendar.

2. ADOPTION OF RESOLUTION DECLARING AUGUST AS CLIMATE PROTECTION MONTH (City Manager) (*Action*)

City Manager Dianne Thompson introduced Maitreyi Siruguri, Program Coordinator for the 'Cool Schools' program and representing the Climate Protection Campaign. Ms. Siruguri spoke in support of the proposed resolution and invited people to attend a climate protection event at the Santa Rosa Downtown Market on August 20th.

Mayor Gilardi opened the public comment period.

George Barich of Cotati addressed the Council regarding pulling items off the Consent Calendar and requested that items such as this be placed at the end of the agenda.

Robert Coleman-Senghor spoke in support of this item's location on the agenda and the proposed resolution.

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

Moved by Vice Mayor Guardino, seconded by Councilmember Minnis and passed unanimously to adopt Resolution No. 08-60 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI DECLARING AUGUST 2008 TO BE CLIMATE PROTECTION MONTH

3. CITY COUNCIL ACCEPTANCE OF PUBLIC IMPROVEMENTS AND AUTHORIZATION TO FILE THE NOTICE OF COMPLETION (NOC) FOR THE EAST COTATI AVENUE WATERLINE IMPROVEMENTS, PROJECT NO. E06-25A (Public Works/Engineering) (Action)

This motion accepts the improvements and authorizes filing of the Notice of Completion (NOC) for the East Cotati Avenue Waterline Improvements, Project No. E06-25A

4. APPOINTMENT TO COMMUNITY AND ENVIRONMENT COMMISSION (City Manager) (Action)

City Manager Dianne Thompson presented the staff report.

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

Mayor Gilardi appointed Wendy Skillman to a two-year term (expiring August 2010) on the Community and Environment Commission (CEC).

Moved by Councilmember Orchard seconded by Councilmember fox and passed unanimously to ratify Mayor Gilardi's appointment of Wendy Skillman to a two-year term (expiring August 2010) on the Community and Environment Commission (CEC).

PUBLIC HEARING

5. INTRODUCTION OF AN ORDINANCE ADDING CHAPTER 8.24 "DEEMED APPROVED ALCOHOLIC BEVERAGE SALE REGULATIONS" TO TITLE 8 OF THE CITY OF COTATI MUNICIPAL CODE (Police) (Action)

Robert Stewart, Chief of Police, presented the staff report and introduced Sergeant Sweeney of Rohnert Park's Department of Public Safety, who presented a slide show demonstrating the impact of downtown police incidents and events.

Matthew Lopez Phillips, Conduct Officer of Sonoma State University (SSU) described the university's efforts in educating its students on alcohol use as well as his discussions with local business owners.

Kathy VanderVennet of the Rohnert Park Department of Public Safety described her experience with the use of alcohol among youth under 18 years of age.

Mr. Phillips responded to a question from Council further describing SSU's alcohol education efforts towards students.

Responding to questions from the Council, Chief Stewart noted that it was not know which of the statistics involved underage youth, and he described the hearing officer and pointed out that the hearing officer would not be a member of City staff..

Rohnert Park Department of Public Safety Sergeant Sweeney described RBS (Responsible Beverage Service) training for local businesses.

Mayor Gilardi opened the public hearing.

Eric Kirchmann of Cotati indicated that he was misled about being told that he had to have a sign as a requirement of a grant. He was supposed to get a report from the City Manager but never got it. He stated that he had never seen a foot patrol after dark.

Steven Gold of Cotati spoke in support of the proposed ordinance and commended Chief Stewart for his work on the ordinance. He expressed concern that the term 'off-sale' is not defined, and commended the City for making information available online.

George Barich of Cotati requested studies correlating bars and the problems downtown. He indicated belief that this ordinance is the first step to prohibition. He stated that he is opposed to performance standards for bars. It's the overreaching of government causes people to self medicate by drinking. Bars bring joy, camaraderie and community. The increase in crime is related to the high density that Council cramming into town.

An unnamed speaker, involved in the Commission against binge drinking thanked Chief Stewart and commended a local bar owner for putting a sign on the patio asking people to be quiet after 8:00 p.m. The speaker described the roaring of cars and motorcycles and people speaking on Ross Street and other problems of drunk people near co-housing.

Mike Stevenson of Cotati, and owner of a bar in Cotati, indicated that there is a lot of information in the staff report and proposed ordinance. He expressed concern that bar owners fall under a lot of regulation. They cooperate with the Police Department. He did not have enough time to review the information and suggested continuing the item until after the upcoming changes in Council due to the election and the possible retirement of the Police Chief.

The co-owner of the 8-Ball bar (name not discernible) described how he and his staff cooperate with the Police Department. He requested more time to review the proposed ordinance and agreed with the previous speaker to wait for a new Council and Police Chief.

Anne Godfrey described her discussions with citizens regarding problems they have with people from bars trespassing on their property and causing property damage.

Robert Coleman-Senghor of Cotati supported a long-range study on student drinking and encouraged the Council to allow more time for the bar owners and interested citizens to review the ordinance, and suggested that the city work out a partnership SSU and conduct an analysis of student drinking.

Alicia Graff of Cotati spoke in support of the ordinance. She described issues she has had with the bar patrons. She noted that the co-housing project studied bars before the project was built and that since that time the nature of the bars has changed and the population of SSU has increased.

Matt Kramer of Cotati commented on the proposal.

Cheryl Nixon of Cotati, owner of Friar Tucks, requested more time to review the proposed ordinance. She commended the Police Department and the bar owners in town. She indicated that she does anything that the Police ask them to do. The ABC has clear law but the proposed ordinance is vague—what are the fees, who will be the hearing officer.

Adam (last name not discernible) of Cotati indicated that he believes it can be win-win.

Tommy Davis, owner of the Tradewinds, requested more time to review the ordinance. Believes it should go in Title 9 of the municipal code. He thinks that a lot of the ordinance is open to interpretation.

Michelle Berman of Cotati believes that Police presence is needed where the problems are. Bar owners are cooperative. New law is not needed.

Maria S., owner of Cotati Yacht Club and Galley, requested a continuance. She described how her business has been and is cooperating and asked what the Council hoped to gain by the ordinance and what are the consequences if the bars don't comply. Rohnert Park should assist since the students are from Rohnert park

There being no one else wishing to speak, Mayor Gilardi closed the public hearing and called a recess at 9:37: p.m.

Mayor Gilardi reconvened the meeting at 9:44 p.m.

City Manager Thompson stated that after listening to comments of bar owners, staff is recommending that this item be continued to a date uncertain in order for staff to meet with stakeholders and review the proposal.

Discussion ensued relative stakeholder outreach, leveling playing field with those bars that were grandfathered in, the impacts of SSU's growth, understanding that the ordinance

would not solve all alcohol-related problems and the many requirements, such as video cameras, already in place for bar owners.

Council concurred to continue the item to a date uncertain, and requested that the following information be taken into consideration:

- Better definition of some terms (hearing officer, fees);
- A collaborative process with stakeholder outreach and (preferably) consensus;
- A breakdown of the 14-25 year old group and which are underage;
- Clarify the impacts of SSU's growth and where are the customers coming from; and
- Specifics on affected restaurants and bars.

REGULAR AGENDA

6. APPOINTMENTS TO MAYORS' AND COUNCILMEMBERS' ASSOCIATION COMMITTEES: SONOMA-MARIN AREA RAIL TRANSIT (SMART) COMMISSION AND METROPOLITAN TRANSPORTATION (MTC) COMMISSION (City Manager) (Action)

City Manager Dianne Thompson presented the staff report.

Mayor Gilardi opened the floor to public comments.

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

Discussion ensued relative to the letters of interest for MTC from Jake Mackenzie (Rohnert Park), Steve Allen (Windsor) and John Sawyer (Santa Rosa), the responsibilities of the position and Jake Mackenzie's experience with the Sonoma County Transportation Authority (SCTA). Council concurred to support Jake Mackenzie for appointment to the MTC.

Discussion ensued relative to the letters of interest for SMART from Mike Harris (Petaluma) and Carol Russell (Cloverdale), the responsibilities of the position, the proximity of Petaluma and that city's efforts towards alternative transportation, and having a representative from the northernmost area of Sonoma County on the SMART Commission. Council concurred to support Mike Harris of Petaluma for the SMART Commission appointment.

7. ADOPTION OF A RESOLUTION IN SUPPORT OF SENATE BILL 1420 (MIGDEN/PADILLA) WHICH SEEKS TO REQUIRE NUTRITIONAL INFORMATION ON MENUS AND MENU BOARDS OF CHAIN RESTAURANTS WITH 15 OR MORE OUTLETS IN CALIFORNIA (City Manager) (Action)

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

Mayor Gilardi opened the floor to public comments.

George Barich of Cotati spoke in opposition to the proposal. He indicated his belief that Cotati citizens have not had an opportunity to express their opinion on this item.

Steven Gold of Cotati spoke in support of the proposal because he believes it will make useful information available.

Michelle Berman of Cotati spoke in support of the proposal as it may make our state senators more aware of Cotati.

Robert Coleman-Senghor of Cotati agreed that citizen discussion of this item would be positive.

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

Mayor Gilardi pointed out that Senator Padilla requested Council's support and that the state legislature values Cotati's opinion.

Moved by Vice Mayor Guardino, seconded by Councilmember Minnis and passed unanimously to adopted Resolution No. 08-61 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI STATING SUPPORT OF SENATE BILL 1420 (MIGDEN/PADILLA) REQUIREING NUTRITIONAL INFORMATION ON MENUS AND MENU BOARDS OF CHAIN RESTAURANTS WITH 15 OR MORE OUTLETS IN CALIFORNIA

Councilmember Minnis left the meeting at this time.

8. APPROVAL OF CLIMATE PROTECTION CHARTER AND ORGANIZATIONAL STRUCTURE (City Manager) (Action)

This item was heard after item no.9

City Manager Thompson presented the staff report.

Mayor Gilardi opened the floor to public comments.

Michelle Berman of Cotati reiterated that golf carts are a good idea and she suggested banning Styrofoam and plastic containers.

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

Councilmember Fox noted that the City has previously banned Styrofoam containers.

Moved by Councilmember Orchard, seconded by Councilmember Fox and passed 4-0-1 (Councilmember Minnis absent) to approve the Climate Protection charter and organizational structure.

9. ADOPTION OF FINAL GREENHOUSE GAS ACTION PLAN REPORT (PUBLIC WORKS/ENGINEERING) (Action)

This item was heard before item no. 8.

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

Mayor Gilardi opened the floor to public comments.

George Barich of Cotati noted that there was no discussion of the effects of carbon monoxide on greenhouse gases. He indicated his belief that the city does not have funds to implement the plan and any available money should be directed towards education and for assisting residents during heat waves.

Robert Coleman-Senghor of Cotati expressed concern about the cost of the plan and requested that Council seek ways to reduce greenhouse gas emissions without committing funds that the budget can't support. He encouraged the city to collaborate with Sonoma State University to further the goals of greenhouse gas emission reductions.

Michelle Berman commended City Engineer/Director of Public Works O'Bid for his enjoyable staff reports. She suggested the use of electric golf carts for city fleet vehicles.

Steve Gold of Cotati supported education for citizens and encouraged the Council in its goal to reduce greenhouse gas emissions.

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

Discussion ensued relative to the proposed plan. Council noted that some of the items in the plan are programmed into the 2008-09 budget.

In response to a question from Council regarding funding, City Engineer O'Bid indicated that grant opportunities would be pursued.

Moved by Councilmember Orchard, seconded by Vice Mayor Guardino and passed 4-0-1 (Councilmember Minnis absent) to: 1) Adopt a motion to receive and file the final City of Cotati Greenhouse Gas Emissions Reduction Action Plan Analysis, dated May 1, 2008; and 2) Approve Resolution No. 08-62 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ADOPTING GREENHOUSE GAS EMISSIONS REDUCTION ACTION PLAN ANALYSIS PLAN B OR EQUIVALENT MEASURES

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

Mayor Gilardi adjourned the regular meeting and called the joint meeting to order at 11:04 p.m.

Councilmembers present: Fox, Guardino, Orchard and Mayor Gilardi

Councilmembers absent: Minnis

Staff present: Hayes, Rudnansky, Taylor, Thompson

CONSENT CALENDAR

Moved by Councilmember Orchard, seconded by Councilmember Fox and passed 4-0-1 (Councilmember Minnis absent) to approve item 1 on the Consent Calendar.

10. WARRANTS AND AUDITED CLAIMS FOR JUNE 26, 2008 – JULY 9, 2008 (*Action*)

Motion to receive and file warrants and audited claims for June 26, 2008 –July 9, 2008.

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

Mayor Gilardi adjourned the joint meeting and reconvened the regular meeting at 11:05 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 11:08 p.m.

Respectfully Submitted,

Deputy City Clerk