



MINUTES
SPECIAL CITY COUNCIL MEETING AND SPECIAL JOINT MEETING OF THE CITY
COUNCIL AND THE BOARD OF DIRECTORS OF THE COMMUNITY
REDEVELOPMENT AGENCY OF THE CITY OF COTATI
WEDNESDAY AUGUST 5, 2009
6:00 PM CLOSED SESSION
7:00 PM REGULAR SESSION

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

CLOSED SESSION (CITY MANAGER'S OFFICE)

Mayor Guardino called the meeting to order at 6:03 p.m. in the City Council Chamber.

Councilmembers present at roll call: Barich, Gilardi, Orchard, Vice Mayor Coleman-Senghor, 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 at 6:04 p.m.

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

7:00 PM (REGULAR SESSION)

CALL TO ORDER OF REGULAR CITY COUNCIL MEETING

Mayor Guardino called the meeting to order at 7:01 p.m.

ROLL CALL

Councilmembers present: Barich, Gilardi, Orchard, Vice Mayor Coleman-Senghor, Mayor Guardino.

Staff present: Administrative Services Director Jone Hayes, City Attorney Mike Gogna, Chief of Police Robert Stewart, Deputy City Clerk Tamara Taylor, City Manager Dianne Thompson.

PLEDGE OF ALLEGIANCE

Mayor Guardino led the pledge of allegiance.

1. APPROVAL OF MINUTES OF JULY 22, 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 Gilardi seconded by Councilmember Barich and passed unanimously to approve the minutes of the July 22, 2009 as amended ('read' changed to 'made' on page 7) Regular meeting as presented and to waive the reading of all ordinances introduced and/or adopted under this agenda.

ANNOUNCEMENTS

~~The August 12 regular meeting of the Cotati City Council has been cancelled; the next regular meeting is scheduled for August 26.~~ There will be a meeting on August 12.

Item 5 has been moved to August 12.

The Downtown Specific Plan and the Downtown Specific Plan Environmental Impact Report were approved by the Planning Commission on July 13 and will be considered by the City Council at its regular meeting on August 26.

SONOMA STATE UNIVERSITY REPRESENTATIVE REPORT

No report.

CITY MANAGER'S REPORT

City Manager Dianne Thompson introduced visting City Attorney Mike Gogna.

APPROVAL OF FINAL AGENDA

Mayor Guardino announced that item 5 has been moved to the August 12, 2009 regular City Council meeting.

City Attorney Gogna reviewed the statutes regarding recall petitions and responded to questions from the Council regarding the procedure.

CITIZEN BUSINESS

Mike Schmidtman addressed the Council to clarify his previous comments made at the July 22, 2009 meeting regarding the proposed revenue measure. He indicated opposition to cuts in police services, opposition to a revenue measure and support for cutting the Planning department.

Gary Blackledge addressed the Council regarding an area where he has asked to have the curb painted red. Too much of the area was painted red and residents don't have a place to park. He volunteered to paint it gray.

Rene (last name not discernible) of Homeworks Consulting, on behalf of the owners of 8910 Cypress Avenue, requested that Council consider rezoning the property to RR2 in exchange for a conservation easement. He offered to meet Councilmembers individually at the site to see whether they might approve it before they spend \$50,000 on new plans and application. He indicated that he emailed the Council on July 13, 2009.

Jan Martinez commented on the red curb issues discussed by a previously speaker.

(Name not discernible) commented that less red curb is needed because there is not enough parking.

Andy B. discussed the application process for development at 8910 Cypress and requested to rezone the property.

Neil Hancock of Cotati noted that the recent Vegan and Vegetarian event was successful and commended the organizers.

Edward D. Castilla, professor of American Studies at SSU, displayed a printout of Councilmember Barich in blackface and expressed shame and disappointment about it.

Joan Simon requested clarification regarding the reason for moving Item 5 (Recall) to August 12 and discussed the petition for recall. She discussed Councilmembers' salaries and benefits and indicated her belief that Councilmember Barich has deceived the public about accepting his salary.

Emily Straub discussed her appreciation for native American jewelry and expressed concern that Councilmember Barich's caricature of the City Logo where he put a photo of himself in blackface over the image of Chief Kotate in the City logo. She submitted a printout of the image for the record.

Andy (last name not discernible) said we should be having an emergency session to balance the budget, not for a recall.

Eric Kirchmann noted that he was unaware that the fiscal emergency needed a unanimous vote and that the order of the agenda was changed. He asked about the process to change the city logo. He discussed painted curbs. He requested copies of all the letters that the City Manager has sent to him.

(Name not stated) addressed the Council regarding government taking responsibility for its actions. She expressed support to cut administrative staff pay in order keep police staff. She indicated support for George Barich.

Michelle Berman commented on city staffing, money and city services and Councilmember Barich's statement made at the July 22 meeting. She commented on the Vegan and Vegetarian festival, Councilmember Barich's energy, the recall, following the laws. Regarding 8910 Cypress, she indicated that the development process should be the same for everyone.

City Attorney Gogna addressed a question regarding citizen comments at special meetings.

Adrienne Lauby discussed her respect for people who signed the recall petition. She commented on the 8910 Cypress development application and expressed concern regarding cuts to social services.

Phil Salazar asked about the procedure for rebuttals to statements made during Citizens' Business.

Mac Heath commented on the proposed sales tax and the budget. He expressed support for the Police Department but not the Planning Department and noted that Councilmember Barich did not refuse to bring the revenue measure to the people.

Jan Kravitz indicated agreement with the previous speaker. He indicated that someone should have told them that a unanimous vote was required to declare a fiscal emergency and commented on the recall.

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

City Manager Thompson responded to the comments regarding the curb painting.

City Attorney Gogna commented on the request of the applicant for 8910 Cypress, responded to a question regarding Councilmembers' inspection of the property and summarized the reasons for deferring item 5 to August 12.

City Manager Thompson indicated that staff would fulfill Mr. Kirchmann's Public Records Act request and copy the council, and responded to questions regarding Public Records Act requests made orally and in writing.

Councilmembers briefly commented on comments made during Citizens' Business.

DIRECTION ON FUTURE AGENDA ITEMS

Council directed staff to find out if there is an appeal process for the social services cuts in the State's budget and to possibly schedule discussion about drafting a letter on a future agenda.

Vice Mayor Coleman-Senghor requested that members of the public who say there is waste and fraud in the budget to show him where it is.

City Manager Thompson indicated that the City's budget and budget presentations are posted on the webpage and that adoption of the fiscal year 2009-2010 budget will be scheduled for the August 26 City Council meeting.

CONSENT CALENDAR

Item 4 was pulled from the Consent Calendar for discussion.

Moved by Councilmember Orchard, seconded by Councilmember Gilardi, and passed unanimously to approve items 2 and 3 on the Consent Calendar.

2. MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND ITS EMPLOYEES REPRESENTED BY THE COTATI POLICE MANAGEMENT ASSOCIATION (CPMA) (Administrative Services) (Action)

Resolution No. 2009-54 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI APPROVING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COTATI AND ITS EMPLOYEES REPRESENTED BY COTATI POLICE MANAGEMENT ASSOCIATION (CPMA)

3. MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND ITS EMPLOYEES REPRESENTED BY THE COTATI POLICE OFFICERS ASSOCIATION (CPOA) (Administrative Services) (Action)

Resolution No. 2009-55 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI APPROVING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COTATI AND ITS EMPLOYEES REPRESENTED BY COTATI POLICE OFFICERS ASSOCIATION (CPOA)

4. MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND ITS EMPLOYEES REPRESENTED BY THE COTATI EMPLOYEES ASSOCIATION (CEA) (Administrative Services) (Action)

City Manager Dianne Thompson commented on the employee contracts.

Jone Hayes, Director of Administrative Services, presented the staff report and responded to questions from the Council.

Councilmember Barich commended staff for their hard work and expressed opposition to the proposed furlough days.

Mayor Guardino opened the floor to public comment.

Andy C. asked if the public can participate in the budget discussions.

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

Administrative Director Hayes responded to questions: She clarified that the budget is reviewed at public meetings during the year, encouraged citizens to subscribe to the City

Council agenda email list and noted that budget meetings are announced on the marquee board downtown. She explained the relationship between furloughs, dollars and demand.

City Manager Thompson responded to questions: She explained the previous efforts to reduce the budget which resulted in reducing the budget by 25%, and a 23% reduction in staffing.

Discussion ensued relative to Planning services, Planning Department staff and duties handling applications and legal mandates, the cost of contract planning, the proposed Friday furloughs.

Councilmembers expressed their appreciation to City Manager Thompson and City employees, both current and former for stepping up to the budget cuts and volunteering the initial 5% pay reduction.

Moved by Councilmember Orchard, seconded by Vice Mayor Coleman-Senghor and passed 4-1 (Barich voting no) to adopt Resolution No. 2009-56 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI APPROVING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COTATI AND ITS EMPLOYEES REPRESENTED BY COTATI EMPLOYEES ASSOCIATION (CEA)

Mayor Guardino called a recess at 9:00 p.m. and reconvened at 9:17 p.m.

5. PRESENTATION OF CERTIFICATION OF RECALL PETITION FOR GEORGE BARICH, AND MUNICIPAL SPECIAL RECALL ELECTION (City Manager) (Action)

This item was postponed until the regular City Council meeting of August 12, 2009.

REGULAR AGENDA

6. APPOINTMENT OF A VOTING DELEGATE AND ALTERNATE TO THE 2009 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE (City Manager) (Action)

City Manager Dianne Thompson presented the staff report.

Discussion ensued relative to whether Councilmembers would attend the meeting. The Council concurred to select a voting delegate and to schedule discussion of the meeting items and attendance by other Councilmembers at a meeting in the near future.

Responding to questions from the Council, City Attorney Gogna discussed foreclosures in Cotati and stated that he believes that presence at the meeting is required to vote. He noted that he would confirm this and inform the Council.

Mayor Guardino opened the floor to public comment.

Phil Maher asked about the cost of the event.

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 nominate Vice Mayor Coleman-Senghor as voting delegate to the 2009 League of California Cities annual conference.

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 meeting and convened the joint meeting to order at 9:25 p.m.

CONSENT CALENDAR

Moved by Councilmember Barich, seconded by Councilmember Gilardi, and passed unanimously to approve item 7 on the Consent Calendar.

7. WARRANTS AND AUDITED CLAIMS (Administrative Services) (Action)

This motion receives and files warrants and audited claims for July 10th, 2009 – July 21st, 2009.

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 9:25 p.m.

CITY COUNCIL REPORTS (Discussion)

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

ADJOURNMENT OF REGULAR CITY COUNCIL MEETING

Mayor Guardino adjourned the regular meeting at 9:31 p.m.

Respectfully submitted,

/s/ Tamara Taylor, Deputy City Clerk