



**MINUTES
REGULAR CITY COUNCIL MEETING OF THE CITY COUNCIL
OF THE CITY OF COTATI
WEDNESDAY AUGUST 12, 2009
7:00 PM REGULAR SESSION**

7:00 PM

CALL TO ORDER OF REGULAR CITY COUNCIL MEETING

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

ROLL CALL

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

Staff present: Administrative Services Director Jone Hayes, Assistant to the City Manager/Acting Community Development Director Marsha Sue Lustig, Director of Public Works/City Engineer Damien O'Bid, City Attorney Rich Rudnansky, Deputy City Clerk Tamara Taylor, City Manager Dianne Thompson.

PLEDGE OF ALLEGIANCE

Mayor Guardino led the pledge of allegiance.

ANNOUNCEMENTS

Cotati's annual Accordion Festival will be on Saturday and Sunday, August 22nd and 23rd at La Plaza Park.

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 reported that item 4 would be moved to August 26.

Director of Public Works/City Engineer Damien O'Bid updated the Council on the red curb issue discussed at the August 5 City Council meeting.

APPROVAL OF FINAL AGENDA

Item 4 was moved to the regular City Council meeting scheduled for August 26, 2009.

CITIZEN BUSINESS

Alan Wintermeir addressed the Council regarding an abandoned home on Valparaiso.

Prue Draper discussed the formation of a Recreation Commission.

Joan Simon addressed the Council regarding Councilmember Barich and submitted a photograph and correspondence.

Jan Kravitz discussed the cost of a special election.

John Jenkel addressed the Council regarding property rights mass murder, terrorism and unconstitutional wars.

Phil Maher discussed ways to balance the city's budget.

Cheryl Nixon commented on security measures she takes for her bar in downtown Cotati.

Eric Kirchmann discussed City services, City expenses, City staff and furloughs.

There being no one else wishing to speak, Mayor Guardino closed Citizens' Business.

City Manager Thompson summarized the City's efforts regarding foreclosed properties. She indicated that she would provide a report on the health and safety issues and how often Mr. Wintermeir was contacted.

City Attorney Rudnansky responded to questions regarding state law pertaining to foreclosed properties and about campaign signs in Cotati parks.

Councilmembers commented briefly on remarks made during Citizen Business.

DIRECTION ON FUTURE AGENDA ITEMS

Council directed staff to schedule discussion of a Recreation Commission to include a Council subcommittee on a future City Council agenda.

CONSENT CALENDAR

Item no. 1 was pulled for discussion.

1. ADOPTION OF A RESOLUTION, REPEALING AND SUPERSEDING RESOLUTION NO. 06-75 ESTABLISHING THE PERSONNEL RULES OF THE CITY OF COTATI; AND ADOPTION OF A RESOLUTION ESTABLISHING THE FURLOUGH POLICY OF THE CITY OF COTATI (Administrative Services) (Action)

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

In response to questions from the Council, City Manager Thompson clarified new City Hall hours and duties of the Management staff.

Mayor Guardino opened the public comment period.

Eric Kirchmann indicated opposition to the furlough policy.

John Moore discussed overtime in relation to furloughs at the State of California.

Joan Simon suggested staggering lunch hours and expressed concern regarding the availability of public works staff on Fridays.

Prue Draper indicated support for the furlough policy and expressed concern regarding lunch hours.

John Jenkel suggested gaining revenue by petitioning the United States to stop unconstitutional wars so more revenue would come to cities.

Jan Kravitz discussed the comments of the previous speaker and the budget of the U.S. Defense Department.

Vice Mayor Coleman-Senghor commented on Mr. Kravitz's statement.

Joyce Garcia asked if employees would be paid on their day off.

Phil Maher discussed the effect of long work days on employees.

Emily Straub discussed work hours of employees.

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

City Manager Thompson responded to questions from citizens regarding calling out of Public Works crews on Fridays.

Discussion ensued relative to future review of 6 hour days for the next negotiation period, other jurisdictions that have implemented furlough Fridays, the fact that having Fridays off would allow people to seek other employment as needed, and the adoption of this proposed resolution as a necessary step in implementing the MOUs that were previously approved.

Moved by Vice Mayor Coleman-Senghor, seconded by Councilmember Gilardi and passed 4-1 (Barich voting no) to adopt Resolution No. 2009-57 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI, REPEALING AND SUPERSEDING RESOLUTION NO. 06-75, ESTABLISHING THE PERSONNEL RULES OF THE CITY OF COTATI; and

Resolution No. 2009-58 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ESTABLISHING THE FURLOUGH POLICY OF THE CITY OF COTATI

REGULAR AGENDA

2. PRESENTATION OF AND RESOLUTION ACCEPTING CERTIFICATION OF RESULTS OF EXAMINATION OF SIGNATURES ON RECALL PETITION FOR GEORGE BARICH, AND RESOLUTION CALLING AND GIVING NOTICE OF THE HOLDING OF A MUNICIPAL SPECIAL RECALL ELECTION TO BE HELD ON NOVEMBER 17, 2009 AND REQUESTING THAT THE COUNTY OF SONOMA CONDUCT THE ELECTION (City Manager) (Action)

City Attorney Rudansky responded to questions from Councilmember Barich regarding abstaining from the item and making a statement about the item.

Councilmember Barich commented on the recall petition, and then recused himself from this item. He left the chamber at this time.

Mayor Guardino acknowledged the public's concerns regarding the recall and reminded them that the City Council's role in it is ministerial.

Deputy City Clerk Tami Taylor presented the staff report and responded to questions from the Council.

Mayor Guardino opened the public comment period.

Greg Character expressed opposition to the recall.

Jolene Hopper asked how the election would be paid for.

Phil Maher expressed opposition to the recall.

Eric Kirchmann discussed the running of the City Council meetings and noted various matters that impact his quality of life.

John Jenkel commented on the energy of the recall effort, revenue, mass murder and unconstitutional wars.

Jan Kravitz discussed his previous comments and the recall.

Joan Simon discussed Councilmember Barich, the collection of signatures and the recall effort.

Katherine Wickstrom expressed concern for the cost of the election.

Joyce Garcia expressed opposition to the recall.

Prue Draper discussed the collection of signatures and clarified that the Cotati Historical Society does not support him as his website indicates.

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

Councilmembers commented on the democratic process of the petition, the history of recalls and tax elections in California, the cost of the election and the power of the right to petition and vote as an exercise in democracy.

Moved by Vice Mayor Coleman-Senghor, seconded by Councilmember Orchard and passed 4-0-1 (Barich abstaining) to adopt:

Resolution No. 2009-59 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI RECEIVING THE DEPUTY CITY CLERK'S CERTIFICATION OF RESULTS OF EXAMINATION OF SIGNATURES ON RECALL PETITION

Resolution No. 2009-60 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ORDERING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL ELECTION TO BE HELD ON NOVEMBER 17, 2009 AND REQUESTING THAT THE COUNTY OF SONOMA CONDUCT THE ELECTION

Mayor Guardino called a recess at 8:43 p.m. and reconvened at 9:07 p.m.

Councilmember Barich returned to the chamber and resumed participation in the meeting.

3. DISCUSSION AND POSSIBLE ACTION TO APPOINT ALTERNATES AND PROVIDE DIRECTION TO THE VOTING DELEGATE AND ALTERNATES FOR THE ANNUAL LEAGUE OF CALIFORNIA CITIES BUSINESS MEETING (City Manager) (Action)

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

Mayor Guardino opened the public comment period.

Phil Maher discussed fiscal and social responsibility of bar owners.

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

Mayor Guardino stated that Vice Mayor Coleman-Senghor had been appointed the voting delegate at the August 5, 2009 City Council meeting and explained that the Council would appoint alternates and provide direction regarding the City's position on the proposed resolutions.

Moved by Councilmember Orchard to nominate Mayor Guardino and Councilmember Gilardi as alternates.

Discussion ensued regarding the process of LOCC resolutions.

Councilmember Orchard amended her motion and nominated herself and Councilmember Gilardi as alternates. Councilmember Gilardi seconded the motion. The motion passed unanimously.

Further discussion ensued relative to the proposed resolutions. The Council concurred to support the proposed resolutions and directed the voting delegate (and alternates if necessary) to vote in favor of all three resolutions at the annual League of California Cities business meeting on Friday, September 18, 2009 at 3:15 p.m. at the San Jose Convention Center.

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 announced that because the only item on the joint meeting agenda had been postponed to August 26, the joint meeting would not be called to order or adjourned.

CONSENT CALENDAR

4. APPROVING AMENDED AGREEMENT FOR LEGAL SERVICES WITH MEYERS NAVE RIBACK SILVER & WILSON AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT (City Manager) (Action)

This item was moved to the joint meeting of August 26, 2009.

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

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 9:23 p.m. in memory of David Yenni.

Respectfully submitted,

s/s Tamara Taylor, Deputy City Clerk