



AGENDA
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
OF THE CITY OF COTATI
WEDNESDAY SEPTEMBER 9, 2009
7:00 PM REGULAR SESSION

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

City Council meeting agendas, minutes and audio recordings (podcast) are posted on the City's website at www.ci.cotati.ca.us

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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 Deputy City Clerk at (707) 665-3622 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 speaker's sign-up sheet and 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.

7:00 PM

CALL TO ORDER OF REGULAR CITY COUNCIL MEETING

ROLL CALL

PLEDGE OF ALLEGIANCE

- 1. APPROVAL OF MINUTES OF AUGUST 26, 2009 REGULAR MEETING AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA**
(Action)

ANNOUNCEMENTS

The Cotati Farmers' Market takes place at 4:30 p.m. every Thursday through October 1st in La Plaza Park.

Cotati's annual Oktoberfest will take place on Saturday September 26 in La Plaza park.

2. PROCLAMATION

PROCLAIMING SEPTEMBER 26, 2009 'RUSSIAN RIVER CLEANUP DAY'

SONOMA STATE UNIVERSITY REPRESENTATIVE REPORT

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

CITY MANAGER'S REPORT

APPROVAL OF FINAL AGENDA

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.

DIRECTION ON FUTURE AGENDA ITEMS

REGULAR AGENDA

3. LETTER OF SUPPORT FOR HR3523 – TAX EXEMPT PRIVATE ACTIVITY BOND (PAB) FOR RENEWABLE ENERGY GENERATION AND ENERGY AND WATER EFFICIENCY PROJECTS. (City Manager) (Action)

It is recommended that Council discuss and, if desired, adopt a motion authorizing the Mayor to sign a letter to U.S. Representative Mike Thompson in support of HR3523 – Tax Exempt Private Activity Bond (PAB) for renewable energy generation and energy and water efficiency projects.

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

CONSENT CALENDAR

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

This motion receives and files warrants and audited claims for July 23rd 2009 – August 12th, 2009.

5. ADOPTION OF ORDINANCE TO REZONE PROPERTIES WITHIN THE DOWNTOWN SPECIFIC PLAN AREA (Community Development) (Action)

This ordinance, introduced at the Council's August 26, 2009 Regular meeting, rezones properties within the Downtown Specific Plan area from Downtown Commercial (CD) to a new zoning district entitled "Specific Plan, Downtown" (SPD) and amending the zoning map to reflect these zoning changes and amending certain sections of the Land Use Code to provide clarity and consistency with the Downtown Specific Plan.

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

CITY COUNCIL REPORTS (Discussion)

ADJOURNMENT OF REGULAR CITY COUNCIL MEETING TO CLOSED SESSION

CALL TO ORDER AND ROLL CALL FOR CLOSED SESSION

CLOSED SESSION (CITY MANAGER'S OFFICE)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)

Property: APN 144-301-012, corner of East Cotati and Ryan Lane.

City Negotiator: City Manager Dianne Thompson

Negotiating Parties: Cotati Community Redevelopment Agency and Sterling Savings Bank

Under Negotiation: Price and Terms

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (California Government Code Section 54957)

Title: City Attorney

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 September 4, 2009

/s/ Tamara Taylor, Deputy City Clerk

DRAFT

Subject to approval.



**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
OF THE CITY OF COTATI
WEDNESDAY AUGUST 26, 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 7:02 p.m.

ROLL CALL

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

Staff present: Assistant Planner Misti Harris, 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, 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 AUGUST 5, 2009 SPECIAL MEETING, AND AUGUST 12, 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 August 5, 2009 Special Meeting and August 12, 2009 Regular Meeting meeting as presented and to waive the reading of all ordinances introduced and/or adopted under this agenda.

ANNOUNCEMENTS

The Cotati Farmers' Market takes place at 4:30 p.m. every Thursday through October 1st in La Plaza Park.

Cotati's annual Oktoberfest will take place on Saturday September 26 in La Plaza park.

DRAFT

Subject to approval.

SONOMA STATE UNIVERSITY REPRESENTATIVE REPORT

No report.

CITY MANAGER'S REPORT

City Manager Dianne Thompson updated the Council on tree removal by PG&E, visibility and safety concerns regarding medians and pedestrian islands, and the 'Cash for Grass' program. She proposed moving the November 11 City Council meeting to November 10 due to the Veteran's Day holiday and moving the November 25 City Council meeting to November 24 due to the Thanksgiving Day holiday.

Council concurred to the proposed City Council meeting date changes in November.

APPROVAL OF FINAL AGENDA

No changes.

CITIZEN BUSINESS

Eric Kirchmann addressed the Council regarding the Accordion Festival, visibility of pedestrian islands, tree trimming, bike trails and storm drains.

Emily Straub commented on break-ins at Windmill Farms, the effect of water conserving plants on the water table, the water conservation garden landscaping, aqueducts, pipes, and water use of vineyards.

Helen Steinhoff-Norwood, speaking for the Board of Directors of Congregation Ner Shalom addressed the Council regarding the impact of the Downtown Specific Plan on their building.

Phil Maher discussed the constitutionality of Cotati's sign ordinance.

Marian Coglin addressed the Council regarding AB566 (condominium conversion of mobilehome parks).

Mike Schmidtman addressed the Council regarding the Pledge of Allegiance, the budget, the Downtown Specific Plan and the K-9 unit.

Joyce Garcia commented regarding the development process for 8910 Cypress and the recall.

Jan Kravitz discussed the Center for Biological Diversity, the California tiger salamander, the Bush Administration, the Fish and Wildlife Service and the extinction of species.

Irene Hilsendager discussed potential development along Old Redwood Highway.

Adrienne Lauby addressed City staff cuts and the participation of citizens in Council meetings.

DRAFT

Subject to approval.

John Moore addressed the Council regarding a campaign sign at the Shell station site at Hwy 116 and Old Redwood Hwy. and notification of residents regarding changes to Mini Park.

Michelle Berman of Cotati addressed the Council about her concerns regarding the videotaping of Council meetings, the writing of statements made during Citizen Business, fundraising for the K-9 Unit and the recall process.

Lisa Moore indicated agreement with John Moore's comments regarding neighborhood notification regarding changes to Mini Park.

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

Councilmembers commented briefly on comments made during Citizens Business. The City Council concurred to follow AB 566 and requested that staff provide brief reports regarding notification for Mini Park improvements and the sign ordinance.

DIRECTION ON FUTURE AGENDA ITEMS

None.

CONSENT CALENDAR

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

2. NOTICE OF COMPLETION FOR THE COTATI SIDEWALK ADA IMPROVEMENTS FY 2007-2008 PROJECT, NO. E07-14 (Public Works/Engineering) (Action)

Resolution No. 2009-61 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AS COMPLETE THE COTATI SIDEWALK ADA IMPROVEMENTS FY 2007-2008, PROJECT NO. E07-14

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 7:56 p.m.

CONSENT CALENDAR

Items 4 and 6 were pulled from the Consent Calendar for discussion.

Moved by Councilmember Gilardi, seconded by Councilmember Orchard, and passed unanimously to approve items 3 and 5 on the Consent Calendar.

DRAFT

Subject to approval.

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

This motion receives and files warrants and audited claims for July 23rd 2009 – August 12th, 2009.

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)

City Manager Dianne Thompson presented the staff report.

Mayor Guardino opened the floor to public comments.

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

Moved by Councilmember Gilardi, seconded by Councilmember Orchard and passed 4-1 (Barich voting no) to adopt Resolution No. 2009-62 and CRA 216 entitled: A RESOLUTION OF THE CITY COUNCIL AND THE REDEVELOPMENT AGENCY OF THE CITY OF COTATI AMENDED AGREEMENT FOR LEGAL SERVICES WITH MEYERS NAVE RIBACK SILVER & WILSON AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

5. ADOPTION OF A RESOLUTION ESTABLISHING AN APPROPRIATIONS LIMIT FOR FISCAL YEAR 2009-2010 PURSUANT TO ARTICLE XIII.B OF THE CALIFORNIA CONSTITUTION AS AMENDED BY PROPOSITION 111 (Administrative Services) (Action)

Resolution No. 2009-63 and CRA 217 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AND THE BOARD OF DIRECTORS OF THE COTATI REDEVELOPMENT AGENCY ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2008 - 2009 PURSUANT TO ARTICLE XIII.B OF THE CALIFORNIA CONSTITUTION, AS AMENDED BY PROPOSITION 111

Mayor Guardino called a recess at 7:59 p.m. and reconvened at 8:13 p.m.

6. ADOPTION OF RESOLUTION ADOPTING THE FISCAL YEAR 2009-2010 BUDGET (Administrative Services) (Action)

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

Mayor Guardino opened the floor to public comments.

The following individuals commented on the budget:

Suzanne Whipple

Craig Character

DRAFT

Subject to approval.

Susan Harvey

Adrienne Lauby

Phil Maher

Kathryn Wickstrom

Mike Schmidtman

Dave (last name not discernible)

Jolene Hopper

Phil Salazar.

Emily Straub

Jan Kravitz.

Joyce Garcia

Mac Heath

Michelle Berman

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

Responding to questions and comments from the Council and public, City Manager Thompson summarized previous cuts, impacts to the budget and possible future amendments.

Discussion ensued as to the number of public meetings that have been held regarding the budget, the public's desire for services versus the public's desire to cut planning staff, the fact that the budget is healthy except for the General fund, the ability of any councilmember to give up salary and benefits at any time, continued citizen participation in the budget process. the enacted reserve fund and future amendments to the budget.

Councilmember Barich expressed opposition to adopting a budget with a deficit.

Moved by Vice Mayor Coleman-Senghor, seconded by Councilmember Orchard and adopted 4-1 (Barich voting no) to adopt Resolution No. 2009-64 and CRA 218 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AND THE BOARD OF DIRECTORS OF THE COTATI REDEVELOPMENT AGENCY ADOPTING THE FISCAL YEAR 2009-10 BUDGET.

Mayor Guardino called a recess at 9:23 p.m. and reconvened at 9:40 p.m.

DRAFT

Subject to approval.

PUBLIC HEARING

7. CERTIFICATION OF DOWNTOWN SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT AND APPROVAL OF DOWNTOWN SPECIFIC PLAN (Community Development) (Action)

Mayor Guardino explained that he and Councilmember Barich have conflicts of interest for portions of the Downtown Specific Plan and would be present for a portion of the comments.

City Manager Thompson summarized the item and introduced Assistant to the City Manager/Acting Director of Community Development Marsha Sue Lustig and Assistant Planner Misti Harris, who presented the staff report.

Ms. Lustig introduced Geoff Reilly with Christopher Joseph, the Environmental Impact Report (EIR) consultant, who summarized the proposed EIR and introduced Alan Tilton of Whitlock and Weinberger, the traffic consultant who worked on the EIR.

Mr. Tilton responded to questions from the Council regarding traffic and bicycle safety.

City Attorney Rudnansky reviewed the public hearing process.

City Engineer/Director of Public Works Damien O'Bid, and Acting Community Development Director Lustig responded to questions from Council regarding hydrology and stormwater runoff, noise mitigation.

Councilmember Barich announced that he would recuse himself from discussion of the Northern Gateway subdistrict portion of the Downtown Specific Plan because he lives within 500 feet of the site.

Mayor Guardino announced that he would recuse himself from discussion of the Northern Gateway subdistrict portion of the Downtown Specific Plan (DSP) because he lives within 500 feet of the site, and turned the gavel over to Vice Mayor Coleman-Senghor.

Councilmember Barich and Mayor Guardino left the chamber at this time.

Ms. Lustig described the Northern Gateway subdistrict portion of the Downtown Specific Plan. Staff and consultants responded to questions from Council regarding parking, the impacts of Hwy 116 and Hwy 101 improvements on the DSP.

Vice Mayor Coleman-Senghor opened the public hearing for the Northern Gateway subdistrict portion of the Downtown Specific Plan.

The following individuals commented:

Phil Salazar

Lori Ann Barbor

DRAFT

Subject to approval.

Jan Kravitz

Michelle Berman

There being no one else wishing to speak, Vice Mayor Coleman-Senghor closed the public hearing.

Ms. Lustig addressed the concerns of the public speakers . She noted that no residences would be constructed within the Caltrans setback for pollutants. The trucks causing the pollutants are being phased out. She noted that the Fire District has indicated support for the DSP and could call on mutual support as needed from other Fire protection agencies.

Geoff Reilly indicated that the local pollutants do not exceed the Bay Area Air Quality Management standards and explained the mitigated measures for water runoff.

Moved by Councilmember Orchard, seconded by Vice Mayor Coleman-Senghor and approved 3-0-2 (Barich and Guardino abstaining) to adopt:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE DOWNTOWN SPECIFIC PLAN as it relates to the Northern Gateway subdistrict of the Downtown Specific Plan; and

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI TO APPROVE CERTAIN TEXT AND MAP AMENDMENTS TO THE GENERAL PLAN, REPEAL THE LA PLAZA SPECIFIC PLAN, AND ADOPT THE DOWNTOWN SPECIFIC PLAN as it relates to the Northern Gateway subdistrict of the Downtown Specific Plan; and

To introduce an ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI REZONING CERTAIN PROPERTIES, AMENDING THE ZONING MAP, AND AMENDING CERTAIN SECTIONS OF THE LAND USE CODE TO PROVIDE CLARITY AND CONSISTENCY WITH THE DOWNTOWN SPECIFIC PLAN as it relates to the Northern Gateway subdistrict of the Downtown Specific Plan.

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

Mayor Guardino announced that he would recuse himself from discussion of the La Plaza Park subdistrict portion of the Downtown Specific Plan (DSP) because he lives within 500 feet of the site and turned the gavel over to Vice Mayor Coleman-Senghor.

Mayor Guardino left the chamber at this time.

Ms. Lustig described the La Plaza Park subdistrict portion of the Downtown Specific Plan. Staff and consultants responded to questions related to how parking would be addressed for future development in the DSP area, the conceptual width of the crosswalks, strategies for accommodating truck deliveries.

Vice Mayor Coleman-Senghor opened the public hearing.

DRAFT

Subject to approval.

The following individuals commented:

Craig Character

Neil Hancock

Phil Maher

Emile Hewko

Phil Salazar

Michelle Berman

Adrienne Lauby

There being no one else wishing to speak, Vice Mayor Coleman-Senghor closed the public hearing.

Ms. Lustig responded to concerns regarding the proposed non-conforming uses, density and parking and fire sprinklers.

Vice Mayor Coleman-Senghor said he wanted to review uses on a case-by-case basis by use permit.

The majority of Councilmembers concurred to amend the proposed ordinance review certain uses on a case-by-case basis by use permit.

Moved by Councilmember Orchard, seconded by Vice Mayor Coleman-Senghor and approved 3-1-1 (Barich voting no, Guardino abstaining) to adopt:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE DOWNTOWN SPECIFIC PLAN as it relates to the La Plaza Park subdistrict of the Downtown Specific Plan; and

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI TO APPROVE CERTAIN TEXT AND MAP AMENDMENTS TO THE GENERAL PLAN, REPEAL THE LA PLAZA SPECIFIC PLAN, AND ADOPT THE DOWNTOWN SPECIFIC PLAN as it relates to the La Plaza Park subdistrict of the Downtown Specific Plan; and

To introduce an ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI REZONING CERTAIN PROPERTIES, AMENDING THE ZONING MAP, AND AMENDING CERTAIN SECTIONS OF THE LAND USE CODE TO PROVIDE CLARITY AND CONSISTENCY WITH THE DOWNTOWN SPECIFIC PLAN as it relates to the La Plaza Park subdistrict of the Downtown Specific Plan and amended to zone banks and meeting facilities as UP and social services and hotels as UP2.

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

DRAFT

Subject to approval.

Discussion ensued relative to the length of the meeting. The majority of Councilmembers concurred to continue.

Councilmember Barich recused himself from discussion on the Historic Core subdistrict because he receives economic revenue from that area.

Ms. Lustig described the Historic Core subdistrict portion of the Downtown Specific Plan.

Mayor Guardino opened the public hearing.

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

Moved by Councilmember Orchard, seconded by Councilmember Gilardi and passed 4-0-1 (Barich abstaining) to adopt:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE DOWNTOWN SPECIFIC PLAN as it relates to the Historic Core subdistrict of the Downtown Specific Plan; and

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI TO APPROVE CERTAIN TEXT AND MAP AMENDMENTS TO THE GENERAL PLAN, REPEAL THE LA PLAZA SPECIFIC PLAN, AND ADOPT THE DOWNTOWN SPECIFIC PLAN as it relates to the Historic Core subdistrict of the Downtown Specific Plan; and

To introduce an ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI REZONING CERTAIN PROPERTIES, AMENDING THE ZONING MAP, AND AMENDING CERTAIN SECTIONS OF THE LAND USE CODE TO PROVIDE CLARITY AND CONSISTENCY WITH THE DOWNTOWN SPECIFIC PLAN as it relates to the Historic Core subdistrict of the Downtown Specific Plan.

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

Ms. Lustig described the Commerce subdistrict portion of the Downtown Specific Plan and responded to questions about traffic at the Hwy 116 and Hwy 101 interchange and chickens.

Discussion ensued related to the maximum number of chickens proposed to be allowed. Council concurred to a maximum of 20 chickens.

Mayor Guardino opened the public hearing to comments on the entire Downtown Specific Plan (DSP).

The following individuals commented:

Linda Ritter

Phil Salazar

DRAFT

Subject to approval.

Brad (last name not discernible)

Phil Maher.

Jenny Blaker.

Panna Lossy

Adrienne Lauby

Jan Kravitz

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

Ms. Lustig, Mr. Tilton and Mr. Reilly responded to questions from the public and the Council relating to Arthur Street, bicycle boulevards, traffic flow from Charles Street to East Cotati Avenue, the 1998 Urban Growth Boundary, serving pedestrians, bicyclists and motorized vehicles, pollutants and air quality impacts and their measurements are in the EIR and the collaboration between the City and Caltrans regarding the Highway 101 improvements.

Councilmember Barich read a statement in opposition to the Downtown Specific Plan.

Discussion ensued regarding the Downtown Specific Plan as blueprint and plan.

Moved by Vice Mayor Coleman-Senghor and seconded by Councilmember Orchard seconded a motion to adopt the Downtown Specific Plan.

Additional discussion ensued relative to the Downtown Specific Plan being a process that takes place over time, the use of private money in the development of downtown, the sources of money used for the Plan and how the Plan recognizes Cotati's uniqueness and prevents piecemeal development of the Plan area.

City Attorney Rudansky recommended that the motion and second be withdrawn and that each action be taken separately.

Vice Mayor Coleman-Senghor withdrew his motion. Councilmember Orchard withdrew her second.

Moved by Councilmember Orchard, seconded by Councilmember Gilardi and passed 4-1 (Barich voting no) to adopt Resolution No. 2009-65 and CRA 219 entitled: A
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI CERTIFYING
THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE DOWNTOWN SPECIFIC
PLAN

DRAFT

Subject to approval.

Moved by Councilmember Orchard, seconded by Councilmember Gilardi and passed 4-1 (Barich voting no) to adopt Resolution No. 2009-66 and CRA 220 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI TO APPROVE CERTAIN TEXT AND MAP AMENDMENTS TO THE GENERAL PLAN, REPEAL THE LA PLAZA SPECIFIC PLAN, AND ADOPT THE DOWNTOWN SPECIFIC PLAN, with the addition of reference to the 1998 Urban Growth Boundary.

Moved by Councilmember Orchard, seconded by Councilmember Gilardi and passed 4-1 (Barich voting no) to introduce an ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI REZONING CERTAIN PROPERTIES, AMENDING THE ZONING MAP, AND AMENDING CERTAIN SECTIONS OF THE LAND USE CODE TO PROVIDE CLARITY AND CONSISTENCY WITH THE DOWNTOWN SPECIFIC PLAN, amended to zone banks and meeting facilities as UP and social services and hotels as UP2.

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 1:29 a.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 1:29 a.m.

Respectfully Submitted

Tamara Taylor, Deputy City Clerk

PROCLAMATION

**PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF COTATI
PROCLAIMING SEPTEMBER 26, 2009 ‘RUSSIAN RIVER CLEANUP DAY’**

WHEREAS, the Russian River is Sonoma County's premier natural resource, providing water for agriculture, wildlife, recreation, residential and industrial uses; and

WHEREAS, the Russian River is internationally known for its beauty and recreational amenities and has attracted millions of visitors to Sonoma County; and

WHEREAS, efforts are now underway to restore and enhance this once world class steelhead stream; and

WHEREAS, tons of trash, junk and debris are annually dumped into the Russian River and along its banks by thoughtless people, damaging both the aesthetic and biological qualities of the river; and

WHEREAS, the Russian River Watershed Cleanup Committee, a project of the Sonoma County Conservation Council, has for 20 years sponsored a massive volunteer river cleanup effort each September, and asks that volunteers from all nine cities and the county of Sonoma sign up to help with the effort by registering at www.russianrivercleanup.org;

WHEREAS, the following agencies and hundreds of volunteers will all donate time and materials to participate in the event:

- Sonoma County Water Agency
- PG&E
- Sequoia Paddlers
- Burke's Canoes
- Russian River Watershed Council
- WaterKeepers
- Stewards of the Coast and Redwoods
- LandPaths
- Sprint Copy Center of Sebastopol
- Rodney Strong Vineyards
- Brelje and Race Consulting Engineers
- Russian River Watershed Association
- Rivers Edge Canoe Trips
- SOAR Inflatables
- North Bay Corporation
- Russian Riverkeeper
- California Coastal Commission – Public Education Program
- Sonoma County Conservation Action
- Air Monitor Corporation

NOW, THEREFORE, BE IT PROCLAIMED that the Cotati City Council proclaims September 26, 2009 as ‘Russian River Cleanup Day’.

Dated: September 9, 2009

Approved: _____
John Guardino, Mayor

City Council Consent Calendar

Subject: Letter of support for HR3523 – Tax Exempt Private Activity Bond (PAB) for renewable energy generation and energy and water efficiency projects.

Date: June 24 2009

Written by: Dianne Thompson, City Manager

Recommendation

It is recommended that Council discuss and, if desired, adopt a motion authorizing the Mayor to sign a letter to U.S. Representative Mike Thompson in support of HR3523 – Tax Exempt Private Activity Bond (PAB) for renewable energy generation and energy and water efficiency projects.

Background and Analysis

HR 3525 creates tax exempt status for private activity bonds used for renewable energy, conservation, efficiency and other greenhouse gas (GHG) emission reduction technologies. This is a key element for the Sonoma County Energy Independence Program to keep the cost of funds low. Without this designation, the county would have to issue bonds with taxable status, thus increasing the cost of funds by 3-5%.

Financial Considerations

None.

Environmental Issues

None.

Attachments:

Proposed draft letter

Letter dated May 1, 2009 from Daniel Kammen

Text of H.R. 3525

DT:tt

City of Cotati

Sonoma County, California

DRAFT



September 9, 2009

The Honorable Mike Thompson
United State House of Representatives
231 Cannon Building
Washington, DC 20510

RE: H.R. 3525 - Tax Exempt Private Activity Bond (PAB) use for renewable energy generation and energy and water efficiency projects.

Dear Representative Thompson:

The City of Cotati thanks you for your commitment to sponsor legislation allowing the use of tax exempt private activity bonds for renewable energy generation and water/energy efficiencies projects. We appreciate your efforts and add our support to this effort as set forth in H.R. 3525.

Throughout the country local governments, businesses and individuals are attempting to increase renewable energy generation and increase energy efficiency efforts in order to combat climate change. As you know, Sonoma County has launched the first countywide program to support residential and commercial property owners' efforts to install energy/water efficiency or renewable energy generation projects. These efforts are hampered by a lack of a long term financing source available at rates sufficiently low to attract participation in the program. Access to the tax exempt bond market is a solution to this barrier.

By giving local governments the access they need to this long term financing tool, the federal government will enable the growth of climate protection efforts as citizens can develop new sources of renewable energy generation and reduce their carbon footprints.

Beyond the environmental benefits, the economic benefits are clear. These programs produce green jobs and stimulate the economy while saving people money on their energy costs.

We strongly support the proposed changes to the Internal Revenue Code that will allow the use of tax exempt bond funding for these efforts.

Sincerely,

John Guardino
Mayor

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ENERGY AND RESOURCES GROUP

310 BARROWS HALL

UNIVERSITY OF CALIFORNIA

BERKELEY, CA 94720-3050

WWW: <http://socrates.berkeley.edu/~rael>

TEL (510) 642-1139

FAX (510) 642-1085

DIRECTOR, TRANSPORTATION SUSTAINABILITY RESEARCH CENTER

DANIEL M. KAMMEN

CLASS OF 1935 DISTINGUISHED CHAIR IN ENERGY

PROFESSOR IN THE ENERGY AND RESOURCES GROUP

PROFESSOR OF PUBLIC POLICY

PROFESSOR OF NUCLEAR ENGINEERING

DIRECTOR

RENEWABLE AND APPROPRIATE ENERGY LAB (RAEL)

EMAIL: kammen@berkeley.edu

May 1, 2009

Mr. Travis Robey
Office of Representative Mike Thompson
231 Cannon Office Building
Washington, DC 20515
Email: jenna.moran@mail.house.gov

Dear Representative Thompson,

I write to encourage you to author legislation to extend tax-exempt bond financing to clean energy projects. I have been active in Berkeley, and other cities as well as 10 states to pass municipal, clean energy financing legislation. (For more, see my clean energy financing website:

<http://rael.berkeley.edu/berkeleyfirst>

At this moment when there is strong interest in finding cost-effective tools to advance the use of clean energy, private activity bonds offer an attractive tool. To stimulate new investment in clean energy, such as solar, wind, and other clean energy projects, I strongly support legislation to expand the current law to include tax exempt bond financing for renewable energy, energy efficiency, demand side management, energy storage, electric transmission, smart grid, zero emission vehicles, water efficiency and water conservation projects.

The proposed federal legislation to amend the Internal Revenue Code will ensure a lower cost method of financing clean power projects. Furthermore, lower cost financing will encourage rapid deployment of renewable energy and will help make desirable projects such as solar, wind and other technologies more viable.

Private activity bonds present an opportunity break through one of the toughest barriers to clean energy investment while stimulating the economy through clean energy jobs and long-term energy security. Longer-term, lower cost financing is what the nation needs in order to see a full deployment of clean energy technology.

Sincerely,

Daniel M. Kammen

Daniel M. Kammen

Cc: Jan McFarland, Jan.McFarland@treasurer.ca.gov
Rusty Klassen, rusty@tensleep.org

111TH CONGRESS
1ST SESSION

H. R. 3525

To amend the Internal Revenue Code of 1986 to provide for the treatment of bonds issued to finance renewable energy resource facilities, conservation and efficiency facilities, and other specified greenhouse gas emission technologies.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2009

Mr. THOMPSON of California (for himself and Mr. HELLER) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to provide for the treatment of bonds issued to finance renewable energy resource facilities, conservation and efficiency facilities, and other specified greenhouse gas emission technologies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. TREATMENT OF BONDS ISSUED TO FINANCE**
 2 **RENEWABLE ENERGY RESOURCE FACILITIES**
 3 **AND CONSERVATION AND EFFICIENCY FA-**
 4 **CILITIES AND OTHER SPECIFIED GREEN-**
 5 **HOUSE GAS EMISSION TECHNOLOGIES.**

6 (a) IN GENERAL.—Section 142(a) of the Internal
 7 Revenue Code of 1986 is amended by striking “or” at the
 8 end of paragraph (14), by striking the period at the end
 9 of paragraph (15) and inserting a comma, and by insert-
 10 ing after paragraph (15) the following new paragraphs:

11 “(16) renewable energy resource facilities,

12 “(17) conservation and efficiency facilities and
 13 projects, or

14 “(18) zero emission vehicles and related facili-
 15 ties or projects.”.

16 (b) RENEWABLE ENERGY RESOURCE FACILITY.—
 17 Section 142 of such Code is further amended by adding
 18 at the end the following new subsection:

19 “(n) RENEWABLE ENERGY RESOURCE FACILI-
 20 TIES.—For purposes of subsection (a)(16)—

21 “(1) IN GENERAL.—The term ‘renewable en-
 22 ergy resource facility’ means—

23 “(A) any facility used to produce electric
 24 or thermal energy (including a distributed gen-
 25 eration facility) from—

26 “(i) solar, wind, or geothermal energy,

1 “(ii) marine and hydrokinetic renew-
2 able energy,

3 “(iii) incremental hydropower,

4 “(iv) biomass (as defined in section
5 203(b) of the Energy Policy Act of 2005
6 (42 U.S.C. 15852(b))), or

7 “(v) landfill gas, or

8 “(B) any facility or project used for the
9 manufacture of facilities referred to in subpara-
10 graph (A).

11 “(2) DEFINITIONS.—For purposes of paragraph
12 (1)—

13 “(A) GEOTHERMAL ENERGY.—The term
14 ‘geothermal energy’ means energy derived from
15 a geothermal deposit (within the meaning of
16 section 613(e)(2)) or from geothermal heat
17 pumps.

18 “(B) MARINE AND HYDROKINETIC RENEW-
19 ABLE ENERGY.—The term ‘marine and
20 hydrokinetic renewable energy’ has the meaning
21 given such term in section 45(c)(10).

22 “(C) INCREMENTAL HYDROPOWER.—The
23 term ‘incremental hydropower’ means additional
24 energy generated as a result of efficiency im-
25 provements or capacity additions to existing hy-

1 dropower facilities made on or after the date of
2 enactment of this subsection. The term ‘incre-
3 mental hydropower’ does not include additional
4 energy generated as a result of operational
5 changes not directly associated with efficiency
6 improvements or capacity additions.”.

7 (c) CONSERVATION AND EFFICIENCY.—Section 142
8 of such Code is amended by adding at the end the fol-
9 lowing new subsection:

10 “(o) CONSERVATION AND EFFICIENCY FACILITIES
11 AND PROJECTS.—For purposes of subsection (a)(17), the
12 term ‘conservation and efficiency facility and project’
13 means—

14 “(1) any facility used for the conservation or
15 the efficient use of energy, including energy efficient
16 retrofitting of existing buildings, or for the efficient
17 storage, transmission, or distribution of energy, in-
18 cluding any facility or project designed to implement
19 smart grid technologies (as described in title XIII of
20 the Energy Independence and Security Act of 2007,
21 or individual components of such technologies as
22 listed in section 1301 of such Act),

23 “(2) any facility used for the conservation of or
24 the efficient use of water, including—

25 “(A) any facility or project designed to—

1 “(i) reduce the demand for water,
 2 “(ii) improve efficiency in use and re-
 3 duce losses and waste of water, and
 4 “(iii) improve land management prac-
 5 tices to conserve water, or
 6 “(B) any individual component of a facility
 7 or project referred to in subparagraph (A), or
 8 “(3) any facility or project used for the manu-
 9 facture of facilities referred to in paragraphs (1) and
 10 (2).

11 For purposes of paragraph (2)(A), facilities and projects
 12 does not include facilities or projects that store water.”.

13 (d) ZERO EMISSION VEHICLES AND RELATED FA-
 14 CILITIES OR PROJECTS.—Section 142 of such Code is
 15 amended by adding at the end the following new sub-
 16 section:

17 “(p) ZERO EMISSION VEHICLES AND RELATED FA-
 18 CILITIES OR PROJECTS.—

19 “(1) ZERO EMISSION VEHICLES.—The term
 20 ‘zero emission vehicles’ means vehicles that have no
 21 tailpipe emissions, evaporative emissions, or onboard
 22 emission-control systems that can deteriorate over
 23 time.

24 “(2) FACILITIES RELATED TO ZERO EMISSION
 25 VEHICLES.—A facility or project is related to a zero

1 emission vehicle if the facility is any real or personal
2 property to be used in the design, technology trans-
3 fer, manufacture, production, assembly, distribution,
4 or service of zero emission vehicles.”.

5 (e) COORDINATION WITH SECTION 45.—Paragraph
6 (3) of section 45(b) of such Code is amended by adding
7 at the end the following new sentence: “Clause (ii) of sub-
8 paragraph (A) shall not apply with respect to (I) any
9 qualified facility that is a renewable energy resource facil-
10 ity described in section 142(a)(16), (II) any qualified facil-
11 ity that is a conservation and efficiency facility described
12 in section 142(a)(17), or (III) any qualified facility that
13 is a zero emission vehicle and related facility or project
14 described in section 142(a)(18).”.

15 (f) COORDINATION WITH SECTION 45K.—Subpara-
16 graph (A) of section 45K(b)(3) of such Code is amended
17 by adding at the end the following flush sentence: “Clause
18 (i)(II) shall not apply with respect to (aa) any qualified
19 facility that is a renewable energy resource facility de-
20 scribed in section 142(a)(16), (bb) any qualified facility
21 that is a conservation and efficiency facility described sec-
22 tion 142(a)(17), or (cc) any qualified facility that is a zero
23 emission vehicle and related facility or project described
24 in section 142(a)(18).”.

1 (g) COORDINATION WITH SECTION 146(g)(3).—Sec-
2 tion 146(g)(3) is amended by striking “or (15)” and all
3 that follows through the end of the paragraph and insert-
4 ing “(15), (16), (17), or (18)”.

5 (h) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to obligations issued after the date
7 of the enactment of this Act.

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Joint Meeting of City Council and Redevelopment Agency Board of Directors Agenda Consent Calendar

Subject: Receive and File Warrants and Audited Claims for August 13th, 2009 – August 26th, 2009

Date: September 9, 2009

Written by: Jone Hayes, Director of Administrative Services

Recommendation

It is recommended that the City Council receive and file the warrants and audited claims (the A/P Check Registers) as submitted.

Background

Warrants (checks) are created by City Staff in compliance with the following Municipal Code Sections:

2.12.160 Expenditure control--Purchasing.

It shall be the duty of the city manager to see that no expenditures shall be submitted or recommended to the city council except on approval of the city manager or his authorized representative. The city manager, or his authorized representative, shall be responsible for the purchase of all supplies for all the departments or divisions of the city. (Ord. 97 §7.9, 1968).

3.36.010 Expenditures--Compliance required.

All expenditures of city funds in connection with purchases must be made strictly in accordance with the duly adopted budget, and in order that budgetary control may be effectively exercised, the procedures in this chapter shall be followed. (Ord. 575 §1(part), 1992).

Analysis/Discussion

Warrants and Audited Claims listings (now identified as the A/P Check Registers) list all warrants issued for the period indicated. Per Council action on July 11, 2007 all warrants are released as they are created.

All expenditures of City funds in connection with wages and benefits and purchases of services or materials are strictly in accordance with the duly adopted budget and / or Council actions

amending the adopted budget. Expenditures have been approved for payment by either the City Manager or by Department Heads.

Financial Considerations

The following is the totals for the Warrants and Audited Claims (the A/P Check Register) issued for the period of August 13, 2009 – August 26, 2009:

August 26, 2009	\$ 304,297.68
August 26, 2009	<u>4,761.95</u>
Total	\$ 309,059.63

Environmental Issues

None.

Attachments:

1. Check Registers dated 7/9

PACKET: 00341 Regular Payments

VENDOR SET: 01

BANK : AP AP - CASH CLEARING (FOOL)

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
ACC04	ACCURINT-ACCT#1022911 I-20090731	MISC INFO SEARCHES - JULY 2009	R	8/26/2009		30.00CR	058060	30.00
AFL01	AFLAC I-718060ER	SERVICE FEES - AUGUST 2009	R	8/26/2009		42.00CR	058061	42.00
ARA03	ARAMARK UNIFORM SVCS. INC I-073109	#11859000 - JULY 2009	R	8/26/2009		353.08CR	058062	353.08
BAB02	BABCOCK FLOORS I-333	FLOOR BUFFING - COTATI RM	R	8/26/2009		1,267.50CR	058063	1,267.50
BLA04	BLAIRWORKS I-2648	WEBSITE UPDATES APR-JUNE	R	8/26/2009		1,040.00CR	058064	1,040.00
BLU01	BLUE CROSS OF CALIF. I-139008F	1231HA - SEPT 2009	R	8/26/2009		21,726.24CR	058065	21,726.24
CDW01	CDW GOVERNMENT, INC. I-PVR1353	MCAFFEE RENEWAL -2 YEARS	R	8/26/2009		784.52CR	058066	784.52
CIT05	CITY OF ROHNERT PARK I-20890	ANIMAL SVCS - AUGUST 2009	R	8/26/2009		1,431.36CR	058067	1,431.36
CIT09	CITY OF SANTA ROSA I-107251	SUBREG WSTWTR SYSTEM-AUG 2009	R	8/26/2009		138,545.24CR	058068	138,545.24
CIT19	CITY OF ROHNERT PARK I-081209 I-081209A I-081209B I-081209C	8789-000 6/1 - 6/30/09 8789-001 6/1 - 6/30/09 8789-000 7/1 - 7/31/09 8789-001 7/1 - 7/31/09	R R R R	8/26/2009 8/26/2009 8/26/2009 8/26/2009		110.58CR 125.90CR 101.59CR 125.91CR	058069 058069 058069 058069	463.98
COU05	COUNTY OF SONOMA-GENERAL SVCS I-FL-436	FLEET SVCS - JULY 2009	R	8/26/2009		198.23CR	058070	198.23
DEP10	DEPARTMENT OF JUSTICE I-748518	FINGERPRINT APPS - JULY 2009	R	8/26/2009		204.00CR	058071	204.00
DEV03	DEVOTO PLUMBING, INC. I-7614 I-7652 I-7659 I-7660 I-7661 I-7662 I-7663 I-7672 I-7675 I-7712 I-7713	SURVEY - 8312 WINDMILL FARMS TOILET RETRO - 8570 LARK DR TOILET RETRO - 10 PINWOOD WAY TOILET RETRO - 98 NICHOLAS CT TOILET RETRO - 8096 SUNFLOWER TOILET RETRO - 947 E COTATI TOILET RETRO - 8600 LARK DR TOILET RETRO - 923 E COTATI TOILET RETRO - 477 LINCOLN AVE TOILET RETRO - 124 MACKLIN DR TOILET RETRO - 8873 LEBEC LN	R R R R R R R R R R R	8/26/2009 8/26/2009 8/26/2009 8/26/2009 8/26/2009 8/26/2009 8/26/2009 8/26/2009 8/26/2009 8/26/2009 8/26/2009		120.00CR 630.00CR 630.00CR 315.00CR 315.00CR 630.00CR 630.00CR 630.00CR 315.00CR 630.00CR 630.00CR	058072 058072 058072 058072 058072 058072 058072 058072 058072 058072 058072	204.00 120.00 630.00 315.00 315.00 630.00 630.00 315.00 630.00 630.00 630.00

PACKET: 00341 Regular Payments

VENDOR SET: 01

BANK : AP AP - CASH CLEARING (POOL)

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
VOID	VOID CHECK		V	8/26/2009			058073	**VOID**
DIV01	DIVERSIFIED RISK/HUB	INTERNATIONAL	R	8/26/2009		144.58CR	058074	144.58
	I-082409	EVENT INSURANCE - JUNE 2009						
FED02	FEDERAL EXPRESS		R	8/26/2009		45.60CR	058075	60.30
	I-9-265-42897	NEWMAN DEVELOPMENT-HWY 116	R	8/26/2009		14.70CR	058075	
	I-9-304-69780	CYPRESS TANK						
FIS01	FISHMAN SUPPLY CO.		R	8/26/2009		13.86CR	058076	132.17
	I-772123	PD SUPPLY	R	8/26/2009		118.31CR	058076	
	I-773679	JANITORIAL SUPPLIES - PD						
GHI01	GHILOTTI CONSTRUCTION CO.		R	8/26/2009		90,583.85CR	058077	90,583.85
	I-073109	ECA IMPROVEMENTS - RETENTION						
GRA01	GRAINGER, INC.		R	8/26/2009		48.22CR	058078	
	I-9048661970	BALLAST - COTATI RM	R	8/26/2009		134.28CR	058078	190.23
	I-9055195581	COTATI RM SUPPLIES	R	8/26/2009		7.73CR	058078	
	I-9057489099	DRILL BIT - PW						
HAN01	HANSEL FORD		R	8/26/2009		57.01CR	058079	
	I-842672	#21 - WINDOW PART - PD	R	8/26/2009		70.52CR	058079	
	I-845620	SUPPLY - CM TAURUS	R	8/26/2009		309.17CR	058079	688.99
	I-F44945	#22-BRAKE SVC/BATTERY/SVC	R	8/26/2009		252.29CR	058079	
	I-G45314	#5 - REAR LIGHT REPAIR						
HAW01	HAWKINS-HAWKINS CO.		R	8/26/2009		143.98CR	058080	143.98
	I-6469	REPL DAMAGED SIGN-INS REIMB						
HIN02	HINDERLITER, DE LLAMAS & ASSOCIATES		R	8/26/2009		1,136.92CR	058081	1,136.92
	I-15599	SALES TAX SVCS - 3RD QTR						
HOR02	HORIZON/AUTOMATIC RAIN		R	8/26/2009		197.73CR	058082	
	I-10580355-00	DEMO GARDEN	R	8/26/2009		411.85CR	058082	
	I-10580588-00	DEMO GARDEN	R	8/26/2009		124.85CR	058082	
	I-10580634-00	DEMO GARDEN	R	8/26/2009		50.25CR	058082	784.68
	I-10580706-00	DEMO GARDEN						
LIE01	LIEBERT CASSIDY WHITMORE		R	8/26/2009		1,816.00CR	058083	2,082.00
	I-106257	CO200 00007 RCB - LABOR REL	R	8/26/2009		266.00CR	058083	
	I-106258	CO200 00011 RCB-PERSONNEL RULES						

PACKET: 00341 Regular Payments

VENDOR SET: 01

BANK : AP AP - CASH CLEARING (POOL)

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
MCP01	MCPHAIL'S FUEL COMPANY I-3348	PROPANE - PW	R	8/26/2009		17.17CR	058084	17.17
MED02	MEDIA GRAPHICS, INC. I-13491	BUS CARDS 500 - BARICH (REIMB)	R	8/26/2009		41.42CR	058085	41.42
MYE01	MYERS-STEVENS & TOOHEY CO I-820463	PD DISABILITY - SEPT 2009	R	8/26/2009		370.50CR	058086	370.50
NEX01	NEXTEL COMMUNICATIONS I-262519522-063	7/7 - 8/6/09	R	8/26/2009		260.63CR	058087	260.63
OFF09	OFFICE DEPOT C-480835774001 I-482847273001 I-482847450001 I-483613433001	OFFICE SUPPLY RETURN OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES	R R R R	8/26/2009 8/26/2009 8/26/2009 8/26/2009		18.97 156.77CR 8.24CR 68.75CR	058088 058088 058088 058088	18.97 156.77 8.24 214.79
PAC19	PAC MACHINE CO., INC. I-47434	PW SUPPLIES - LIFT STATIONS	R	8/26/2009		322.01CR	058089	322.01
PAR12	PARK AVENUE CATERING I-24442	MAYORS/COUNCIL DINNER 8/13	R	8/26/2009		2,156.75CR	058090	2,156.75
PGE01	PG&E I-080409	6345507202-3 6/19 - 7/27/09	R	8/26/2009		15,084.63CR	058091	15,084.63
PHI02	THE PHILLIPS GROUP I-9199	BLDG INSPECTIONS - 7/27/09	R	8/26/2009		382.50CR	058092	382.50
RAK01	SARAH RAKER I-082509	HIGH-EFFICIENCY WASHER REBATE	R	8/26/2009		75.00CR	058093	75.00
RED05	REDWOOD COAST PETROLEUM I-1688772 I-1694869	OIL - CORP YARD OIL - WELLS	R R	8/26/2009 8/26/2009		684.13CR 175.48CR	058094 058094	859.61
REP01	REPUBLIC ITS I-907462 I-907463	TRAFFIC SIGNAL REPAIRS - JULY TRAFFIC SIGNAL MAINT - JULY	R R	8/26/2009 8/26/2009		58.76CR 528.65CR	058095 058095	587.41
SAN10	SANTA ROSA FIRE EQUIPMENT SVC INC I-114567 I-114568	EXTINGUISHER SVC-CITY HALL (6) EXTINGUISHER SVC-CORP YD (10)	R R	8/26/2009 8/26/2009		70.00CR 268.00CR	058096 058096	338.00

PACKET: 00341 Regular Payments

VENDOR SET: 01

BANK : AP AP - CASH CLEARING (POOL)

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
SEV01	SEVERN TRENT SERVICE I-1120991	WELL 3 SUPPLIES	R	8/26/2009		181.29CR	058097	181.29
SON11	SONOMA CO. SHERIFF'S DEPT I-6219	BOOKING FEES	R	8/26/2009		120.00CR	058098	120.00
STA03	STATEWIDE SUPPLY, INC. I-18498	LIVE BACTERIA - LIFT STATIONS	R	8/26/2009		437.96CR	058099	437.96
STA06	STANLEY CONVERGENT SECURITY SOLUTIONS I-6569325	CORP YD MONITORING 9/1-11/30	R	8/26/2009		242.31CR	058100	242.31
SUM01	SUMMIT ENGINEERING INC. I-15991	CYPRESS TANK TECH REVIEW	R	8/26/2009		3,601.65CR	058101	3,601.65
TER01	TERMINIX PROCESSING CENTER I-288500292 I-288500293 I-288500295	COTATI RM / SCHOOL - AUG 2009 CITY HALL - AUGUST 2009 PD - AUGUST 2009	R R R	8/26/2009 8/26/2009 8/26/2009		52.00CR 49.00CR 54.00CR	058102 058102 058102	155.00
TIS01	ALLISON TISDALE I-081709	HIGH-EFFICIENCY WASHER REBATE	R	8/26/2009		75.00CR	058103	75.00
TOR03	DOROTHY TORRILHON I-082409	HIGH-EFFICIENCY WASHER REBATE	R	8/26/2009		75.00CR	058104	75.00
UNI07	UNITED SITE SERVICES, INC. I-101-25598	PORTOLET RENTAL - VETS PARK	R	8/26/2009		103.16CR	058105	103.16
USB01	U.S. BANK CORPORATE PAYMENT SYSTEM I-072209 I-072209A	4246-0445-5564-9833 7/1-7/21 4246-0445-5564-9833 6/22-6/30	R R	8/26/2009 8/26/2009		6,050.64CR 599.66CR	058106 058106	6,650.30
YOU03	YOUR COMPUTER HEROES, LLC I-2009098 I-2009098A	VIDEO CARD NETWORK SVCS - JULY 2009	R R	8/26/2009 8/26/2009		60.49CR 3,431.25CR	058107 058107	3,491.74

CHECK AMT	DISCOUNTS	TOTAL APPLIED
304,297.68	0.00	304,297.68
0.00	0.00	0.00
0.00	0.00	0.00
0.00	0.00	0.00
0.00	0.00	0.00
0.00	0.00	0.00
0.00	0.00	0.00
0.00	0.00	0.00
0.00	0.00	0.00
304,297.68	0.00	304,297.68

PACKET: 00342 Regular Payments

VENDOR SET: 01

BANK : AP AP - CASH CLEARING (POOL)

VENDOR NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
MAS02 MASTER K-9, INC.							
I-5044	K9 MAINT TRAINING - JAN 2009	R	8/26/2009		150.00CR	058108	
I-5082	K9 MAINT TRAINING - FEB 2009	R	8/26/2009		150.00CR	058108	
I-5122	K9 MAINT TRAINING - MARCH 2009	R	8/26/2009		150.00CR	058108	
I-5150	K9 HANDLERS TRNG 3/23-4/24/09	R	8/26/2009		4,000.00CR	058108	
I-5184	DOG TOY - K9	R	8/26/2009		11.95CR	058108	
I-5239	K9 MAINT TRAINING - JUNE 2009	R	8/26/2009		150.00CR	058108	
I-5277	K9 MAINT TRAINING - JULY 2009	R	8/26/2009		150.00CR	058108	4,761.95

* * T O T A L S * *
 REGULAR CHECKS: 1
 HANDWRITTEN CHECKS: 0
 PRE-WRITE CHECKS: 0
 DRAFTS: 0
 VOID CHECKS: 0
 NON CHECKS: 0
 CORRECTIONS: 0
 REGISTER TOTALS: 1

DISCOUNTS 0.00
 CHECK AMT 4,761.95
 TOTAL APPLIED 4,761.95

TOTAL ERRORS: 0 TOTAL WARNINGS: 0

Joint Redevelopment Agency/City Council Agenda Public Hearing

Subject: Adoption of Ordinance to Rezone Properties within the Downtown Specific Plan Area

Date: September 9, 2009

Written By: Marsha Sue Lustig, Assistant to the City Manager/Acting Community Development Director

RECOMMENDATION

It is recommended that the City Council adopt an ordinance rezoning properties within the Downtown Specific Plan area from Downtown Commercial (CD) to a new zoning district entitled "Specific Plan, Downtown" (SPD) and amending the zoning map to reflect these zoning changes and amending certain sections of the Land Use Code to provide clarity and consistency with the Downtown Specific Plan.

Background

At its Regular meeting on August 26, 2009 the City Council adopted Resolutions No. 2009-65 and CRA 219 certifying the Downtown Specific Plan Environmental Impact Report, Resolutions No. 2009-66 and CRA 220 approving the Downtown Specific Plan, and introduced an ordinance to modify the Land Use Code and amend the zoning map in order to allow implementation of the Downtown Specific Plan. The Council amended the proposed ordinance to zone banks and meeting facilities as UP and social services and hotels as UP2.

Analysis/Discussion

This ordinance rezones properties within the Downtown Specific Plan area from Downtown Commercial (CD) to a new zoning district entitled "Specific Plan, Downtown" (SPD) and amends the zoning map to reflect these zoning changes and amending certain sections of the Land Use Code to provide clarity and consistency with the Downtown Specific Plan.

Environmental Considerations

The Downtown Specific Plan Environmental Impact Report was certified by Cotati City Council / Redevelopment Agency Resolutions No. 2009-65 and CRA 219.

Financial Considerations

None.

Attachments:

1. Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI
REZONING CERTAIN PROPERTIES, AMENDING THE ZONING MAP, AND AMENDING
CERTAIN SECTIONS OF THE LAND USE CODE TO PROVIDE CLARITY AND
CONSISTENCY WITH THE DOWNTOWN SPECIFIC PLAN**

THE CITY COUNCIL OF THE CITY OF COTATI DOES ORDAIN AS FOLLOWS:

WHEREAS, as part of the City’s ongoing effort to implement the General Plan, the City prepared the Downtown Specific Plan; and

WHEREAS, the City Council has conducted numerous public hearings and community workshops over a period of four years, including a five-day design charrette in July 2005, to solicit public input and to determine community preferences for the Downtown Specific Plan; and

WHEREAS, as part of the Downtown Specific Plan effort, the City evaluated the consistency between the Land Use Code and Downtown Specific Plan and identified certain Land Use Code regulations requiring clarification or modification for consistency; and

WHEREAS, it is necessary to rezone the properties within the Downtown Specific Plan area to SPD (Specific Plan, Downtown) and accordingly amend the Zoning Map; and

WHEREAS, it is necessary to amend certain sections of the Land Use Code, including reference to the Downtown Specific Plan in various sections and addition of a use table for the Downtown Specific Plan area (collectively, Land Use Code Amendments); and

WHEREAS, pursuant to the California Environmental Quality Act, Public Resources Code, §§ 21000, et seq. (CEQA), the City prepared an Environmental Impact Report (EIR) for the Downtown Specific Plan, including the related General Plan Amendments, rezoning, and changes to Land Use Code (collectively, “related Actions”), (State Clearinghouse No. 2006032072) which analyzed adverse environmental impacts of the proposed Downtown Specific Plan and related Actions; and

WHEREAS, on July 13, 2009, the Planning Commission conducted a public hearing on the Downtown Specific Plan, related Actions, and EIR. Notice of the hearing was given as required by law. At the hearing, the public was given an opportunity to appear before the Planning Commission and be heard and to submit any testimony or evidence in favor of or against the Downtown Specific Plan, related Actions, and EIR; and

WHEREAS, on July 13, 2009, the Planning Commission adopted Resolution No. PC 09-05, recommending the City Council certify the EIR, make certain environmental findings, adopt a Mitigation Monitoring and Reporting Program, and adopt a Statement of Overriding Considerations for a significant and unavoidable impact on cultural resources of the Downtown Specific Plan and related Actions that would remain even with the implementation of mitigation measures specified in the EIR.; and

WHEREAS, on July 13, 2009, the Planning Commission adopted Resolution No. PC 09-06, recommending the City Council adopt the Land Use Code Amendments and the Zoning Map Amendments; and

WHEREAS, the City Council held a properly noticed public hearing on August 26, 2009 to consider public testimony regarding the EIR and adoption of the Downtown Specific Plan, including the proposed

General Plan text amendments, rezoning, Land Use Code amendments, and repealing of the La Plaza Specific Plan; and

WHEREAS, prior to acting on the Downtown Specific Plan and related Actions, the City Council reviewed and considered the information in the EIR and adopted a resolution certifying the EIR, making certain environmental findings, adopting a Mitigation Monitoring and Reporting Program, and adopting a Statement of Overriding Considerations for a significant and unavoidable impact on cultural resources of the Project that would remain even with the implementation of necessary mitigation measures specified in the EIR; and

WHEREAS, the City Council has reviewed all evidence submitted in connection with the staff report, including the EIR, public testimony, and all other documents and evidence that are part of the City administrative record for the Downtown Specific Plan and related Actions.

SECTION 1. FINDINGS. The City Council of the City of Cotati hereby finds that:

- A. All procedural requirements for the City Council approval of the rezoning of properties within the Downtown Specific Plan area; amending the zoning map to reflect the rezoning; and amending certain sections of the Land Use Code have been followed.
- B. The City finds that the rezoning of properties within the Downtown Specific Plan area; amending the zoning map to reflect the rezoning; and amending certain sections of the Land Use Code are consistent with the General Plan and are compatible with the goals, objectives, policies, general land uses and programs adopted therein.

The Downtown Specific Plan implements the Cotati General Plan by providing specific standards for orderly development in the downtown area. The standards set forth in the Downtown Specific Plan implement many of the policies and programs identified in the General Plan and further the City's goals and objectives as set forth in the General Plan. The Downtown Specific Plan creates a zoning district that is consistent with the land uses under the General Plan Land Use Element. The Zoning Map is amended to reclassify all properties within the Downtown Specific Plan area to a zoning district consistent with the adopted General Plan Land Use Map. The Land Use Code is amended to create a new zoning district entitled "Specific Plan, Downtown" (SPD). The rezoning of properties within the Downtown Specific Plan area to the SPD District; amending the zoning map to reflect the rezoning; and amending certain sections of the Land Use Code are adopted to protect and promote the public health, safety, and general welfare of residents, and to preserve and enhance the environmental setting, unique characteristics, and aesthetic quality of the city.

- 1. The City finds that the rezoning of properties within the Downtown Specific Plan area to the SPD District; amending the zoning map to reflect the rezoning; and amending certain sections of the Land Use Code are consistent with the General Plan policies and programs and further the following goals and objectives to:
 - a. Provide standards and guidelines for the continuing orderly growth and development of the City that will assist in protecting the small town character and community identity of Cotati;
 - b. Ensure that proposed development and new land uses conserve energy and natural resources;

- c. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities;
 - d. Ensure that proposed development is of human scale, primarily pedestrian-oriented, and designed to create attractive streetscapes and pedestrian spaces;
 - e. Minimize vehicle traffic by providing for a mixture of land uses, pedestrian-oriented development, compact community form, safe and effective traffic circulation, and adequate on- and off-street parking facilities;
 - f. Provide neighborhoods with a variety of housing types to serve the needs of a diverse population; and
 - g. Ensure compatibility between different types of development and land uses.
2. The Downtown Specific Plan implements a number of General Plan policies and objectives as summarized in the Specific Plan, which is incorporated herein by this reference. The following goal, policies, and implementation measure support consistency with this ordinance:

2.3.3 Encourage the use of multi-purpose parking lots that serve both multi-family residential and commercial uses.

IP-2.2.2 Increase the amount of developable high density residential land.

11.1.1.b. Mixed uses shall be encouraged in the Hub area.

11.2 Insure that adequate parking in the Hub area is available.

11.3 Establish a downtown character which preserves the historical "old town" feeling of the hub and promotes new development which is compatible in scale with existing structures.

Goal 14 Maintain the hub as the principal social and cultural center of the community.

With the General Plan Map amendments adopted as part of the DSP adoption process, all properties within the Downtown Specific Plan area are designated as "General Commercial" except for those within La Plaza Park. The General Commercial land use designation provides for the basic business and service needs of the local community, as well as office and multi-family residential land uses that are easily integrated into adjacent districts. The parcels located within La Plaza Park will remain designated as "Parks" because the DSP will preserve and enhance the park, consistent with this designation. Land Use Code Chapter 17.28 establishes a new zoning designation entitled "Specific Plan, Downtown" (SPD) as required by the Downtown Specific Plan for implementation. The SPD zoning district is applied to the area covered by the Downtown Specific Plan, which provides detailed and comprehensive guidance and standards for development.

3. The rezoning of properties within the Downtown Specific Plan area to the SPD District; amending the zoning map to reflect the rezoning; and amending certain sections of the Land Use Code are consistent with the Downtown Specific Plan because the Land Use Code and Zoning Map amendments reflect and incorporate the standards in the Downtown Specific Plan. In particular, the land use and development standards in the SPD zoning district are generally governed by the Downtown Specific Plan.

- C. Pursuant to the California Environmental Quality Act, Public Resources Code, §§ 21000, et seq. (CEQA), the City prepared an Environmental Impact Report (EIR) for the Downtown Specific Plan, including the related changes to the Land Use Code and Zoning Map (State Clearinghouse No. 2006032072), which analyzed adverse environmental impacts of the proposed Downtown Specific Plan and Land Use Code and Zoning Map amendments.

Prior to introducing this Ordinance, the City Council reviewed and considered the information in the EIR and adopted a resolution certifying the EIR, making certain environmental findings, adopting a Mitigation Monitoring and Reporting Program, and adopting a Statement of Overriding Considerations for a significant and unavoidable impact of the Project that would remain even with the implementation of necessary mitigation measures specified in the EIR. The EIR constitutes the environmental review under CEQA for the General Plan Amendments; Downtown Specific Plan; repeal of the La Plaza Specific Plan; rezoning of properties within Downtown Specific Plan area; amending the Zoning Map to reflect the rezoning; and amending certain sections of the Land Use Code.

SECTION 2. The Cotati Municipal Code is hereby amended as follows:

- A. Certain parcels within the City of Cotati are hereby rezoned for the reasons set forth in Section 1, above, as set forth in Exhibit A: Rezoned Parcels, which is attached to this Ordinance and is hereby incorporated into this Ordinance by reference as though it were fully set forth here.
- B. The City of Cotati Zoning Map is hereby amended as set forth in Exhibit B: Cotati Zoning Map June 2009, which is attached to this Ordinance and is hereby incorporated into this Ordinance by reference as though it were fully set forth here.
- C. Certain text in the City of Cotati Land Use Code is hereby amended for the reasons set forth in Section 1, above, as set forth in Exhibit C: Land Use Code Amendments, which is attached to this Ordinance and is hereby incorporated into this Ordinance by reference as though it were fully set forth here.

SECTION 3. The City Council finds that the rezoning of certain properties, amending the zoning map to reflect the rezoning, and the certain Land Use Code amendments as listed in Section 2, above, are consistent with the General Plan.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional in any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Judicial Review. The time within which judicial review must be sought is governed by California Government Code Section 65009.

SECTION 6. Effective Date. This ordinance shall become effective 30 days after the date of adoption.

SECTION 7. Posting. The City Clerk shall cause this ordinance to be published and/or posted within fifteen days after its adoption.

IT IS HEREBY CERTIFIED that the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Cotati on the 26th day of August 2009, and legally adopted on the 9th day of September 2009, by the following vote, to wit:

GUARDINO _____
COLEMAN-SENGHOR _____
BARICH _____
GILARDI _____
ORCHARD _____

Approved: _____
John Guardino, Mayor

Attest: _____
Tamara Taylor, Deputy City Clerk

Approved as to form:

City Attorney

CITY COUNCIL ORDINANCE ____
EXHIBIT A
Rezoned Parcels

Parcels Within the Downtown Specific Plan Area				
Assessor's Parcel No.			Address	Zone Change
Page	Book	Lot		
144	060	003	7621 Old Redwood Highway	CD to SPD
144	060	011	7665 Old Redwood Highway	CD to SPD
144	060	014	7675 Old Redwood Highway	CD to SPD
144	070	008	7500 Commerce Boulevard	CD to SPD
144	070	018	7500 Commerce Boulevard	CD to SPD
144	070	021	7384 Commerce Boulevard	CD to SPD
144	070	022	7520 Commerce Boulevard	CD to SPD
144	070	026	7582 Commerce Boulevard (front portion)	CD to SPD
144	070	027	11 Wilford Lane	CD to SPD
144	070	028	None (Wilford Lane)	NU to SPD
144	070	029	7560 Commerce Boulevard	CD to SPD
144	070	030	7360 Commerce Boulevard	CD to SPD
144	080	001	7600 Commerce Boulevard (front portion)	CD to SPD
144	080	015	7764 Old Redwood Highway	CD to SPD
144	080	016	7716 Old Redwood Highway	CD to SPD
144	080	017	7700 Old Redwood Highway	CD to SPD
144	080	019	7662 Old Redwood Highway	CD to SPD
144	080	022	7734 Old Redwood Highway	CD to SPD
144	080	024	7801 Old Redwood Highway	CD to SPD
144	170	010	8600 Old Redwood Highway	CD to SPD
144	170	003	147 St. Joseph Way (Caltrans Lot)	PF to SPD
144	170	006	7801 Old Redwood Highway	CD to SPD
144	170	007	None (St. Joseph Way)	CD to SPD
144	170	008	None (St. Joseph Way)	CD to SPD
144	170	009	150 St. Joseph Way	---
			a) closest to Old Redwood Highway	CD to SPD
			b) central portion	NU to SPD
			c) southern edge	NL to SPD
144	190	011	7888 Old Redwood Highway	CD to SPD
144	190	021	7898 Old Redwood Highway	CD to SPD
144	190	023	None (Old Redwood Highway)	CD to SPD
144	190	024	7874 Old Redwood Highway	NM to SPD
144	190	028	7840 Old Redwood Highway	CD to SPD
144	190	030	None (Old Redwood Highway)	CD to SPD
144	200	001	7883 Old Redwood Highway	CD to SPD
144	200	002	7971 Old Redwood Highway	CD to SPD
144	200	004	7971 Old Redwood Highway	CD to SPD
144	200	006	21 William Street	CD to SPD

144	200	019	7981 Old Redwood Highway	CD to SPD
144	261	001	8011 Old Redwood Highway	CD to SPD
144	261	004	8049 Old Redwood Highway	CD to SPD
144	261	005	8055 Old Redwood Highway	CD to SPD
144	261	008	8099 La Plaza	CD to SPD
144	261	011	65 West Cotati Avenue	CD to SPD
144	262	004	70 West Cotati Avenue	CD to SPD
144	262	006	60 West Cotati Avenue	CD to SPD
144	262	009	8188 Olof Street	NL to SPD
144	262	012	61 West Sierra Avenue	CD to SPD
144	262	013	71 West Sierra Avenue	CD to SPD
144	262	014	55 West Sierra Avenue	CD to SPD
144	262	015	8197 La Plaza	CD to SPD
144	262	018	8109 La Plaza	CD to SPD
144	262	019	8125 La Plaza	CD to SPD
144	262	020	8189 La Plaza	CD to SPD
144	263	001	8195 La Plaza	CD to SPD
144	263	002	8201 Old Redwood Highway	CD to SPD
144	263	003	8225 Old Redwood Highway	CD to SPD
144	263	004	1818 La Plaza	CD to SPD
144	263	009	60 West Sierra Avenue	CD to SPD
144	263	011	1820 La Plaza	CD to SPD
144	263	012	48 West Sierra Avenue	CD to SPD
144	263	013	36 West Sierra Avenue	CD to SPD
144	263	014	77 Henry Street	CD to SPD
144	263	015	78 West Sierra Avenue	CD to SPD
144	264	001	8220 La Plaza	CD to SPD
144	265	001	8110 La Plaza	CD to SPD
144	266	001	8100 La Plaza	CD to SPD
144	272	003	73 East Sierra Avenue	CD to SPD
144	272	009	8000 Old Redwood Highway	CD to SPD
144	272	010	8741 Old Redwood Highway	CD to SPD
144	272	011	8050 Old Redwood Highway	CD to SPD
144	272	012	85 La Plaza	CD to SPD
144	273	006	65 Henry Street	CD to SPD
144	273	007	77 Henry Street	CD to SPD
144	273	008	75 Henry Street	CD to SPD
144	273	009	8150 La Plaza	CD to SPD
144	273	010	127 East Cotati Avenue	CD to SPD
144	274	002	8170 La Plaza	CD to SPD
144	274	004	8172 La Plaza	CD to SPD
144	274	006	8200 La Plaza	CD to SPD
144	274	008	8110 Old Redwood Highway	CD to SPD
144	274	009	29 Charles Street	CD to SPD

144	274	010	8230 Old Redwood Highway	CD to SPD
144	274	011	8240 Old Redwood Highway	CD to SPD
144	274	012	8244 Old Redwood Highway	CD to SPD
144	274	014	128 East Cotati Avenue	CD to SPD
144	274	015	120 East Cotati Avenue	CD to SPD
144	275	001	1 East Cotati Avenue	CD to SPD
144	276	001	8139 La Plaza	CD to SPD
144	277	001	8167 La Plaza	CD to SPD
144	351	001	8285 Old Redwood Highway	CD to SPD
144	351	002	8295 Old Redwood Highway	CD to SPD
144	351	003	8297 Old Redwood Highway	CD to SPD
144	351	004	9 Page Street	CD to SPD
144	351	005	7 Page Street	CD to SPD
144	360	069	8 Charles	CD to SPD
144	680	051	7820 Old Redwood Highway	CD to SPD
144	680	052	7800 Old Redwood Highway	CD to SPD
144	750	008	101 Ross Street	CD to SPD
144	750	009	101 Ross Street	CD to SPD
144	750	010	101 Ross Street	CD to SPD
144	750	011	101 Ross Street	CD to SPD
144	750	012	101 Ross Street	CD to SPD
144	750	013	101 Ross Street	CD to SPD
144	750	014	101 Ross Street	CD to SPD
144	750	015	101 Ross Street	CD to SPD
144	750	016	101 Ross Street	CD to SPD
144	750	017	101 Ross Street	CD to SPD
144	750	018	101 Ross Street	CD to SPD
144	750	019	101 Ross Street	CD to SPD
144	750	020	101 Ross Street	CD to SPD
144	750	021	101 Ross Street	CD to SPD
144	750	022	101 Ross Street	CD to SPD
144	750	023	101 Ross Street	CD to SPD
144	750	024	101 Ross Street	CD to SPD
144	750	025	101 Ross Street	CD to SPD
144	750	026	101 Ross Street	CD to SPD
144	750	027	101 Ross Street	CD to SPD
144	750	028	101 Ross Street	CD to SPD
144	750	029	101 Ross Street	CD to SPD
144	750	030	101 Ross Street	CD to SPD
144	750	031	101 Ross Street	CD to SPD
144	750	032	101 Ross Street	CD to SPD
144	750	033	101 Ross Street	CD to SPD
144	750	034	101 Ross Street	CD to SPD
144	750	035	101 Ross Street	CD to SPD

144	750	036	101 Ross Street	CD to SPD
144	750	037	101 Ross Street	CD to SPD
144	750	038	101 Ross Street	CD to SPD

CITY COUNCIL ORDINANCE ____
EXHIBIT B
Cotati Zoning Map August 2009



CITY COUNCIL ORDINANCE ____
EXHIBIT C
Land Use Code Amendments

Italicized = New language
~~Strikethrough~~ = Deleted language

Item A

The Table of Contents is hereby amended to read as follows:

Chapter 17.28 - Special Purpose Zone and Overlay Zone Standards 2-47

 17.28.010 - Purpose 2-47

 17.28.020 - Coordinated Planning (CP) Overlay Zone 2-47

 17.28.030 - Mobile Home Park (MHP) Overlay Zone 2-50

 17.28.040 - Public Facility (PF) Zoning District 2-50

 17.28.050 – *Specific Plan, Downtown (SPD) Zoning District*..... 2-50

 17.28.060 – *Specific Plan, Santero Way (SPSW) Zoning District* 2-51

Item B

Section 17.20.020, Zoning Map and Zoning Districts, is hereby amended to read as follows:

Table 2-1 is hereby amended to read as follows:

Zoning Map Symbol	Name of Zoning District	General Plan Designation Implemented by Zoning District
Special Purpose and Overlay Zones		
CP	Coordinated Planning Overlay	All
MHP	Mobile Home Park Overlay	All residential
PF	Public Facility	Public Facilities
SPSW	Specific Plan, Santero Way	All
<i>SPD</i>	<i>Specific Plan, Downtown</i>	<i>General Commercial, Low Density Residential, Parks</i>

The remainder of Table 2-1 shall remain the same.

Item C

Section 17.22.020, Allowable Land Uses, is hereby amended to read as follows:

Table 2-4 is hereby added to read as follows:

TABLE 2-4 Allowed Land Uses and Permit Requirements for Downtown Specific Plan Districts	P Permitted Use, Zoning Clearance required				
	MUP Minor Use Permit required				
UP Use Permit required					
S Permit requirement set by Specific Use Regulations					
— Use not allowed					
LAND USE (1)	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	HC	LP	NG	CA	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Commercial recreation facility - Indoor	UP	—	UP	—	
Conference/convention facility	—	—	UP(2)	UP	
Health/fitness facility	UP(2)	—	UP(2)	UP	
Library, museum	UP	—	—	—	
Meeting facility, public or private	—	UP	UP(2)	UP	
Park, Playground	P	P	P	P	
School - Specialized education/training	UP(2)	—	UP(2)	UP	
Studio - Art, dance, martial arts, music, etc.	MUP(2)	MUP(2)	MUP(2)	P	
Theater (cinemas or performing arts)	UP	—	UP	—	

RESIDENTIAL USES

Emergency/transitional shelter	S	S	S	S	17.42.072
Home occupation	P	P	P	P	17.42.080
Live/work unit	P	P	P	P	17.42.090
Residential component of a mixed use project	P	P	P	P	17.42.100
Residential care facility for the elderly (RCFE)	—	UP	UP	UP	
Residential care facility, 7 or more clients	—	UP	—	—	
Ground floor residential	—	—	UP(3)	—	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Broadcasting studio	UP(2)	—	UP(2)	—	
Parking facility	UP	UP	UP(2)	UP	
Transit station or terminal	P	P	P	P	

Key to Zoning District Symbols

HC	Historic Core	NG	Northern Gateway
LP	La Plaza	CA	Commerce Avenue

Notes:

- (1) See Article 9 for land use definitions.
- (2) Use allowed only on second or upper floors, in compliance with Section 17.24.050.B (Limitation on the location of allowable land uses), or behind an allowed ground floor street frontage use.
- (3) Where allowed by the Downtown Specific Plan's regulating plan.

TABLE 2-4 Allowed Land Uses and Permit Requirements for Downtown Specific Plan Districts	P Permitted Use, Zoning Clearance required MUP Minor Use Permit required UP Use Permit required S Permit requirement set by Specific Use Regulations — Use not allowed			
	PERMIT REQUIRED BY DISTRICT			
LAND USE (1)	HC	LP	NG	CA

RETAIL TRADE

Accessory retail or services	P	P	P	P	
Alcoholic beverage sales - associated with a restaurant (4)	P	P	P	P	17.42.030
Alcoholic beverage sales - off-sale	UP	UP	UP	UP	17.42.030
Antique or collectible store	UP	—	UP	—	
Artisan shop	P	—	P	—	
Auto parts sales with no installation services	—	—	—	P	
Bar, tavern	UP	UP	UP	UP	17.42.030
Convenience store	—	—	—	UP	
Extended hour retail	UP	—	UP	UP	
Furniture, furnishings and appliance store	UP	—	UP	UP	
General retail - Less than 5,000 sf	P	P	P	P	
General retail - 5,000 sf to 20,000 sf	P	—	P	P	
General retail - More than 20,000 sf (Max. 43,000 sf)	—	—	UP	UP	
Groceries, specialty foods - 10,000 sf or less	P	P	P	P	
Groceries, specialty foods - More than 10,000 sf	—	—	P	—	
Night club	UP	—	UP	UP	
Outdoor display and sales	MUP	MUP	MUP	MUP	17.42.130
Restaurant - Outdoor dining on private property	MUP	MUP	MUP	MUP	17.42.130
Restaurant - Outdoor dining in public right-of-way	P	P	P	P	17.42.130
Restaurant, café, coffee shop	P	P	P	P	
Retail complex	—	—	—	UP	
Second hand store	UP	—	—	—	
Service station	—	—	—	UP	17.42.180

Key to Zoning District Symbols

HC	Historic Core	NG	Northern Gateway
LP	La Plaza	CA	Commerce Avenue

Notes:

- (1) See Article 9 for land use definitions.
- (2) Use allowed only on second or upper floors, in compliance with Section 17.24.050.B (Limitation on the location of allowable land uses), or behind an allowed ground floor street frontage use.
- (3) Where allowed by the Downtown Specific Plan's regulating plan.
- (4) When the Department of Alcoholic Beverage Control allows customers under 21 years of age on the premises.

TABLE 2-4 Allowed Land Uses and Permit Requirements for Downtown Specific Plan Districts	P Permitted Use, Zoning Clearance required MUP Minor Use Permit required UP Use Permit required S Permit requirement set by Specific Use Regulations — Use not allowed			
	PERMIT REQUIRED BY DISTRICT			
LAND USE (1)	HC	LP	NG	CA

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

ATM	P	P	P	P	
Bank, financial services	UP(2)	UP	UP	UP	
Business support service	P(2)	P(2)	P(2)	P	
Medical services - Doctor office	P(2)	P(2)	P(2)	P	
Medical services - Clinic, urgent care	—	—	—	P	
Office - Accessory	P	P	P	P	
Office - Business/service	P(2)	P(2)	P(2)	P	
Office - Government	UP	UP	UP	UP	
Office - Processing	UP(2)	—	UP(2)	—	
Office - Professional/administrative	P(2)	P	P(2)	P	

SERVICES - GENERAL

Accessory retail or services	P	P	P	P	17.42.015
Adult day care	UP(2)	UP(2)	UP(2)	UP	
Child day care center	UP(2)	UP(2)	UP(2)	UP	
Lodging - Bed & breakfast inn (B&B)	UP(2)	UP(2)	UP(2)	—	
Lodging - Hotel	—	UP(2)	UP(2)	UP	
Lodging - Lobby	UP	UP	UP	UP	
Personal services	P(2)	P(2)	P(2)	P	
Public safety facility	—	—	—	—	
Social service organization	—	UP(2)	UP(2)	UP	
Vehicle services - Minor maintenance/repair	—	—	—	UP	

Key to Zoning District Symbols

HC	Historic Core	NG	Northern Gateway
LP	La Plaza	CA	Commerce Avenue

Notes:

- (1) See Article 9 for land use definitions.
- (2) Use allowed only on second or upper floors, in compliance with Section 17.24.050.B (Limitation on the location of allowable land uses), or behind an allowed ground floor street frontage use.
- (3) Where allowed by the Downtown Specific Plan's regulating plan.

Item D

Section 17.28.050, Specific Plan, Downtown (SPD) Zoning District, is hereby added to read as follows:

17.28.050 - Specific Plan, Downtown (SPD) Zoning District

- A. **Applicability.** The SPD zoning district is applied to the area covered by the Downtown Specific Plan, which provides detailed and comprehensive guidance and standards for development. The SPD zoning district is consistent with and implements the General Commercial and Parks land use designations of the General Plan.*
- B. **Allowable land uses and planning permit requirements.** The land uses allowed within the SPD zoning district and the planning permit requirement for establishing an allowed use are determined by the Downtown Specific Plan and Land Use Code Section 17.22.020, Table 2-4.*
- C. **Development Standards.** Subdivision, site planning, building and development standards are determined by the Downtown Specific Plan.*

Item E

Section 17.30.040, Height Limits and Exceptions, is hereby amended to read as follows:

- E. Height limit at street corners.** Development proposed adjacent to any public or private street or alley intersection in other than the NU, SPD, CD, CE, or CG zoning districts shall be designed to provide a traffic safety visibility area for pedestrian and traffic safety. See Figure 3-7.

Item F

Section 17.38.060, Zoning District Sign Standards, is hereby amended to read as follows:

- B. Mixed use corridors and districts.** Each sign in the CG, CDE, SPD, CD, CI, and IG zoning districts shall comply with the requirements in Table 3-12.

Item G

Section 17.38.070, Standards for Specific Sign Types, is hereby amended to read as follows:

- D. Freeway-oriented signs.** A freeway-oriented sign may be approved in compliance with the following requirements.
 - 2. Where allowed.** The Design Review Committee may allow a building-mounted freeway-oriented sign:
 - a. Within a CG or ~~CD~~SPD zoning district; and
- G. Temporary signs.** Temporary signs are allowed within the CG, CD, CE, SPD, and CI, and IG zoning districts subject to the following requirements.
 - 3. Off-site directional signs.** Because of the City's compelling interest in ensuring traffic safety, and the City's interest in improving public convenience, off-site directional signs may be allowed on private property in compliance with the requirements of this Subsection, with a sign permit.
 - a. Where allowed.** A directional sign may be approved within the CE, CG, CD, SPD, and CI zoning districts, only on sites where:

Item H

Section 17.42.040, Animal Keeping, is hereby amended to read as follows:

Table 4-1 is hereby amended to read as follows:

Table 4-1, Allowable Animal-Keeping and Permit Requirements

Type of Animal	Permit Requirement by Zoning District			
	OSC	RR	RVL	Other Zone Allowing Residential Use
Aviary (keeping of birds other than fowl or poultry)	P	P	P	—
Beekeeping (for plant pollination and/or honey production)	P	P	P	—
Boarding or breeding kennel	MUP —	MUP	—	—
<i>Chickens</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P in NL district; Zoning clearance letter required in NM, NU, and residential uses in all commercial districts</i>
Dogs and cats	P	P	P	P
Fowl and poultry other than roosters <i>and chickens</i>	P	P	P	MUP for a maximum of 5 chickens in NL only —
Hogs and swine	P	P	—	—
Horses and cows	P	P	MUP	—
Roosters	P	P	—	—
Other small animals (defined in Table 4-2)	P	P	P	P
Other large animals (defined in Table 4-2)	P	P	MUP	—

Key to permit requirements:

P	Permitted animal keeping, no City approval required for the animal keeping activity, provided that it complies with the standards in Subsections C. through F G.
MUP	Minor Use Permit approval required in compliance with Section 17.62.050
—	Type of animal or activity not allowed.

The remainder of Table 4-1 shall remain the same.
Table 4-2 is hereby amended to read as follows:

Table 4-2, Animal-Keeping Standards

Type of Animal or Facility	Maximum Number of Animals per Site (1)	Minimum Lot Area (2)	Minimum Setbacks (3)	
			From Side/Rear Property Lines	From Streets and Dwellings
<i>Chickens</i>	<i>20 per site</i>	<i>No minimum lot size</i>	<i>12 ft</i>	<i>20 ft</i>
Fowl and poultry other than roosters and chickens	12 per acre on a lot of ½ acre or larger; up to 5 chickens on a lot of 10,000 sf to ½ acre.	10,000 sf ½ acre	25 ft	50 ft

Notes:

- (3) Minimum setbacks from all property lines for barns, shelters, pens, coops, cages, and other areas and structures where animals are kept in concentrated confinement; but not including areas continuously maintained as pasture. *Minimum setbacks from dwellings refers to dwellings located on other parcels.* Animals shall not be kept in any required front yard setback except in pasture areas.

The remainder of Table 4-2 shall remain the same.

Section 17.42.040.D.3 is hereby amended to read as follows:

- D. Maintenance and operational standards.** All animal keeping shall comply with the following maintenance and operational standards.
- 3. Waterway protection.** The keeping of ~~horses or cattle~~ *horses, cattle, fowl, poultry, chickens, roosters, hogs, swine, or other large animals* within 50 feet of any waterway

shall require Minor Use Permit approval. In addition to the other materials required for a Minor Use Permit application, the applicant shall submit a plan for the protection of the waterway from the polluting effects of runoff from the animal keeping area. The plan shall provide for regular manure removal, the maintenance of pasture vegetation to minimize the exposure and potential erosion of bare soil, site grading to direct runoff to detention and settling areas rather than the waterway, and/or other measures approved by the Review Authority.

Section 17.42.040.G is hereby added to read as follows:

- G. Chickens.** *In addition to the requirements of this section, the keeping of chickens shall comply with the following standards:*
- 1. Commercial Use Prohibited.** *Except where allowed by Section 17.22.020, Allowable Land Uses, the keeping of chickens shall be solely as an accessory use to a residential use.*
 - 2. Location in Multi-family and Commercial Zoning Districts.** *Enclosures, coops, cages, and shelters shall generally be located internally on a residential site, and shall not abut a commercially-zoned property.*
 - 3. Butchering Prohibited.** *Butchering, slaughtering, or otherwise killing chickens shall be prohibited.*
 - 4. Nuisance Prohibited.** *Noise impacts, odor impacts, and valid vector complaints shall cause the chickens to be deemed a nuisance, and result in this use becoming prohibited at the subject site.*
 - 5. Private Common Area Signoff.** *Where chickens are proposed to be located in a private common area, the private governing organization (e.g., the homeowner’s association) shall provide written consent.*

Item I

Section 17.42.072, Emergency/Transitional Shelters, is hereby amended to read as follows:

- A. Limitation on location.** An emergency/transitional shelter may be established within the ~~CD~~SPD, CE, or CG zoning district only on a site identified by the Housing Element of the General Plan for that facility.

Item J

Section 17.50.040, Development Standards, is hereby amended to read as follows:

- A. Watercourse setback requirement.** Each proposed structure shall be set back from the top of the bank of a watercourse by a minimum distance of 2.5 times the height of the bank or 30 feet, whichever is greater.
2. The Review Authority may grant an exception to this setback requirement:
 - b. In the NU, CD, SPD, and CE zones, where an existing structure is being replaced and is not in an area subject to flooding, and/or where the setback would be inconsistent with the urbanized character of the site and adjacent parcels.

Item K

Section 17.62.030, Limited Term Permit, is hereby amended to read as follows:

- E. Temporary uses allowed with a Limited Term Permit.** A Limited Term Permit may authorize the following temporary activities within the specified time limits, but in no event for more than 12 months. Other temporary or short-term activities that do not fall within the categories defined below shall instead comply with the planning permit requirements and development standards that otherwise apply to the property.
- 1. Events.** Arts and crafts exhibits, carnivals, circuses, concerts, fairs, festivals, flea markets, food events, outdoor entertainment/sporting events, rodeos, rummage and second hand sales, and swap meets for up to seven consecutive days, or six three-day weekends, within a 12-month period, allowed only on property within the CE, CG, CD, *SPD*, CI, IG, and PF zoning districts.

