



**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
NOVEMBER 12, 2008
City Council Chambers, City Hall, 201 W. Sierra Avenue**

6:30 PM CLOSED SESSION

CALL TO ORDER (CITY COUNCIL CHAMBERS)

Mayor Gilardi called the meeting to order at 6:34 p.m.

Councilmembers present: Minnis, Orchard, Mayor Gilardi

Staff present: Hayes, Lustig, Rudnansky, Taylor, Thompson

ADJOURNMENT TO CLOSED SESSION (CITY MANAGER'S OFFICE)

Mayor Gilardi adjourned to closed session at 6:34 p.m.

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

Agency Designated Representative: Mayor Pat Gilardi or Council Member designee

Unrepresented Employee: City Manager

7:00 PM (REGULAR SESSION)

CALL TO ORDER OF REGULAR CITY COUNCIL MEETING

Mayor Gilardi called the regular meeting to order at 7:02 p.m.

ROLL CALL

Councilmembers present: Guardino, Minnis, Orchard and Mayor Gilardi

Staff present: Hayes, Lustig, Rudnansky, Taylor, Thompson

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Mayor Gilardi led the pledge of allegiance and called for a moment of silence.

1. APPROVAL OF MINUTES OF OCTOBER 22, 2008 REGULAR MEETING AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (Action)

Moved by Vice Mayor Guardino, seconded by Councilmember Minnis, and passed unanimously to approve the minutes of the September 24, 2008 regular meeting as presented and to waive reading of all resolutions and ordinances introduced and/or adopted under this agenda.

APPROVAL OF FINAL AGENDA

No changes.

CITY MANAGER'S REPORT

City Manager Dianne Thompson introduced Damien O'Bid, City Engineer/Director of Public Works, who then introduced new City of Cotati employee Shiko Njuno, Engineering Technician.

City Manager Thompson further reported the following:

- The demonstration garden site preparation is on schedule and planting will be done by volunteers on November 14th and 15th. Interested volunteers interested should contact Mr. O'Bid
- The City Council will meet on November 19 for a study session to review the Capital Improvement Program and to receive a budget update. A mid-year budget review will be scheduled early next year, after the state financial situation and the 3rd quarter sales tax information has been reviewed.
- Caltrans has removed the requirement for signals at the West Sierra Avenue and Highway 101 exit. Thanks to Mayor Gilardi, Suzanne Smith of the Sonoma County Transportation Authority, Senator Carole Migden and Assemblyman Jared Huffman for their help with this issue.

CITIZEN BUSINESS

Mike Schidtman of Cotati read an email message he had sent to City Councilmembers and City staff regarding his water service.

Robert Coleman-Senghor of Cotati thanked Cotati citizens for voting and noted that some campaign literature was not appropriate.

Ken Coleman of Cotati discussed his experience with the enforcement of municipal code violations regarding political signs. He believes that enforcement should be more timely.

Michelle Berman of Cotati expressed sympathy with Mr. Schmidtman and Mr. K. Coleman. She expressed concern regarding enforcing laws equally and the amount of money spent by some candidates on their campaign.

George Barich of Cotati discussed Mr. K. Coleman's experience with enforcement of the municipal code regarding political signs; he indicated his belief that the code should be updated to provide for more timely enforcement of political sign violations. He indicated sympathy for Mr. S's situation regarding water and sewer charges.

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

Mayor Gilardi discussed enforcement of the sign code as it pertains to first amendment rights and confirmed with Mr. K. Coleman and Administrative Services Director Jone Hayes that she would telephone him to discuss his situation.

COUNCILMEMBER DIRECTION ON FUTURE AGENDA ITEMS (*Discussion*)

Councilmember Minnis requested that during the upcoming review of water and sewer rates staff could research whether outstanding water and sewer charges could be placed as a lien against a property instead of shutting off the water.

ORAL AND WRITTEN COMMUNICATIONS

ANNOUNCEMENTS

The full Fall/Winter Recreation Schedule can be viewed on the City's website at www.ci.cotati.ca.us To request a paper copy please feel free to call the Recreation Department at 792-4600 ext. 669.

STUDENT HONORARY MAYOR REPORT

Antonia Pearson of Rancho Cotate High School provided a verbal report to Council.

Mayor Gilardi announced that a certificate of commendation would be mailed to Simon Hamilton of Creekside Middle School, Honorary Mayor for the month of October.

2. PROCLAMATIONS

COMMENDING COTATI CHAMBER OF COMMERCE

Gerard Guidice, president of the Cotati Chamber of Commerce accepted the proclamation.

COMMENDING ACCORDION FESTIVAL

Scott Goree of the Cotati Accordion Festival organization accepted the proclamation on behalf of the Board of Directors of the Cotati Accordion Festival and the many volunteers who help with the event.

CONSENT CALENDAR

Item 4 was pulled from the Consent Calendar for discussion.

Councilmember Minnis recused herself from item 4 because she lives within 500 feet of the subject property.

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

3. APPROVAL FOR THE COTATI CHAMBER OF COMMERCE TO HOST AN “ELEGANT EVENING” EVENT IN DOWNTOWN COTATI INVOLVING A HORSE DRAWN CARRIAGE AND THE USE OF ELEVEN PARKING SPACES THROUGHOUT THE DOWNTOWN AREA AS CARRIAGE STOPS (Police) (Action)

Motion approving the use eleven parking spaces in three different locations of downtown Cotati as carriage stops for a horse drawn carriage on Saturday December 6, 2008 between the hours of 4:00 PM and 8:00 PM for the 2nd Annual “Elegant Event.”

4. CONSTRUCTION OBSERVATION AND PROJECT MANAGEMENT SERVICES, EAST COTATI AVENUE IMPROVEMENTS PROJECT (Public Works/Engineering) (Action)

Mayor Gilardi opened the floor to public comment.

George Barich of Cotati asked whether this service was put out to bid.

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

Damien O’Bid, City Engineer/Director of Public Works, presented the staff report, noting a request for proposal was made and that other companies who are qualified to perform the needed services were not available.

George Barich asked for clarification regarding the purchasing process when only one bid is received in response to a request for proposal.

City Engineer O’Bid clarified the different processes involved in obtaining bids for projects and requests for proposals for professional consultant services.

Moved by Councilmember Orchard, seconded by Vice Mayor Guardino and passed 3-0-1 (Councilmember Minnis abstaining) to adopt **Resolution No. 08-75** entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONSTRUCTION OBSERVATION AND PROJECT MANAGEMENT SERVICES AGREEMENT WITH GREEN VALLEY CONSULTING ENGINEERS FOR THE EAST COTATI AVENUE IMPROVEMENTS PROJECT FOR AN AMOUNT NOT TO EXCEED \$58,13

5. REGIONAL CLIMATE PROTECTION CHARTER (City Manager) (Action)

Resolution No. 08-76 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SUPPORTING A REGIONAL CLIMATE PROTECTION COORDINATION PLAN AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY FOR ITS COMPLETION

PUBLIC HEARING

6. ADOPTION OF AN URGENCY ORDINANCE AMENDING CHAPTER 15.04 (FLOODPLAIN MANAGEMENT) OF TITLE 15 OF THE COTATI MUNICIPAL CODE, AND PROVIDING FOR THE REGULATION OF PROPERTIES LOCATED WITHIN FLOOD PRONE, MUDSLIDE (I.E. MUDFLOW) OR FLOOD RELATED EROSION AREAS OF THE CITY (Public Works/Engineering) (Action)

Damien O’Bid, City Engineer/Director of Public Works, presented the staff report and responded to questions from the Council regarding the process of adding or removing areas from flood zones, which he noted could be done separately from the adoption of the proposed ordinance.

Council discussed FEMA flood zone map updates and whether such updates would be initiated by the homeowner or the City. Councilmember Minnis stated that she was aware of homeowners whose homes were no longer considered to be in a flood zone because but were still required to purchase specific insurance because the flood zone maps had not been updated to reflect this information.

Mayor Gilardi opened the public hearing.

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

Mayor Gilardi called for a motion.

Moved by Vice Mayor Guardino seconded by Councilmember Orchard and failed on a 3-1 (Councilmember Minnis voting no). Mayor Gilardi explained that a unanimous vote is required in order to adopt an urgency ordinance.

Discussion ensued relative to the consequences of not having this ordinance in place. City Attorney Rudnansky noted that adoption of the ordinance would prevent the City and its residents living in flood zones from participating in the FEMA insurance program but would not help those homeowners who need to get the map updated.

Marsha Sue Lustig, Assistant to the City Attorney, stated that an outreach was done previously for property owners who were in an area where the Sonoma County Water Agency had taken preventive measures to reduce flooding. The property owners were informed and those who wanted to were assisted in getting the flood zone map updated.

City Engineer O'Bid agreed to report on the process of updating the flood maps at the November 25, 2008 City Council meeting.

Vice Mayor Guardino amended his motion to include a staff report of the flood map update process at the November 25 Council meeting.

Moved by Vice Mayor Guardino, seconded by Councilmember Orchard, and passed unanimously to direct staff to provide a report of the flood zone map update process at the November 25 Council meeting and to adopt Ordinance No. 819 entitled: AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI AMENDING CHAPTER 15.04 (FLOODPLAIN MANAGEMENT) OF TITLE 15 OF THE COTATI MUNICIPAL CODE, PROVIDING FOR THE REGULATION OF PROPERTIES LOCATED WITHIN FLOOD PRONE, MUDSLIDE (I.E. MUDFLOW) OR FLOOD RELATED EROSION AREAS OF THE CITY, AND DECLARING THE URGENCY THEREOF

11/12/2008 8:13:50 PMADJOURNMENT OF REGULAR MEETING OF THE CITY COUNCIL AND CALL TO ORDER AND ROLL CALL FOR JOINT MEETING OF CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY BOARD OF DIRECTORS

Mayor Gilardi adjourned the regular meeting and reconvened the joint meeting at 8:13 p.m.

CONSENT CALENDAR

Administrative Services Director Hayes, in response to a question from council, indicated that legal and other fees spent for the acquisition of 176 West Sierra Avenue could be used as required matching funds for the Open Space District grant.

Moved by Councilmember Orchard, seconded by Vice Mayor Guardino and passed unanimously to adopt item 7 on the Consent Calendar.

7. WARRANTS AND AUDITED CLAIMS FOR OCTOBER 8TH, 2008 – OCTOBER 23, 2008 (Administrative Services) (Action)

Motion to receive and file warrants and audited claims for October 8th, 2008 – October 23, 2008.

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

Mayor Gilardi adjourned the joint meeting and reconvened the regular meeting at 8:15 p.m.

CITY COUNCIL REPORTS AND COMMENTS

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

ADJOURNMENT OF REGULAR CITY COUNCIL MEETING

Mayor Gilardi adjourned the regular meeting to closed session at 8:17 p.m.

Respectfully submitted,

Tamara Taylor, Deputy City Clerk