



**AGENDA  
REGULAR CITY COUNCIL MEETING AND  
JOINT MEETING OF THE COTATI CITY COUNCIL  
AND COTATI COMMUNITY REDEVELOPMENT AGENCY BOARD OF DIRECTORS**

**November 28, 2007  
City Council Chambers, City Hall, 201 W. Sierra Avenue**

The Cotati City Council welcomes you to its meetings that are scheduled for the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of every month. Your interest and participation are encouraged and appreciated.

*City Council Agenda and Minutes can be viewed at the City's website: ..... [www.ci.cotati.ca.us](http://www.ci.cotati.ca.us)  
Click on the City Council tab. To receive the City Council Agenda by e-mail, provide your  
e-mail address to the City Manager's office, or e-mail your request to..... [lsime@ci.cotati.ca.us](mailto:lsime@ci.cotati.ca.us)*

Notice is hereby given that Council may discuss and/or take action on any or all of the items listed on this agenda.

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 City Clerk's office at (707) 665-3623 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 complete a public speaker card and submit it to the Deputy City Clerk. Speakers are advised to limit discussion to one presentation per individual and to keep comments to between 3 and 5 minutes; step to the podium and state your name and address for the record.*

**7:00 PM (CITY COUNCIL CHAMBERS)**

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

**CLOSED SESSION ANNOUNCEMENT**

**APPROVAL OF MINUTES AND NOTICE OF WAIVING READING**

1. Minutes of November 14, 2007 Regular meeting

-- Notice of waiving the reading of all ordinances introduced and/or adopted under this agenda

**APPROVAL OF FINAL AGENDA**

## **CITIZEN BUSINESS**

Any item raised by a member of the public which is not 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.

## **COUNCILMEMBER DIRECTION ON FUTURE AGENDA ITEMS**

### **ORAL AND WRITTEN COMMUNICATIONS**

#### 2. Announcements

-- The next event in the Cotati Creek Critters' Inside/Outside Nature Education Series is "The Plight of the Pond Turtle" on Monday, December 3, at 7:00 p.m. in the Stony Point Room at the Ray Miller Community Center, 216 E. School Street.

-- Kitchen composters are available at a cost of two dollars each in the Finance Department at City Hall, 201 West Sierra Avenue

3. Report - Sonoma State University Representative (*Nicole Schlossberg, Student Representative, Sonoma State University*)

4. Report - Student Honorary Mayor (*Alison Hager, Rancho Cotate High School*)

#### Correspondence and Presentations

5. Report - Update on Sonoma County Waste Management Agency (*Ken Wells, Executive Director of Sonoma County Waste Management Agency*)

#### Proclamation(s)

-- No items.

#### Commissions, Committees, Boards and Task Forces

-- No items.

## **CITY MANAGER REPORT**

## CONSENT CALENDAR

Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Calendar and will be considered separately.

### READING OF CONSENT CALENDAR TITLES:

6. Approve Resolution 07-79 in Support of Tom Bradley Commemorative Stamp. (*City Manager*)
7. Adoption of Ordinance No. 809 repealing Urgency Ordinance Numbers 798, 800, and 808, which established and extended an interim moratorium on the establishment of Formula-based Fast Food Restaurants within the City of Cotati. (*Director of Planning*)

## PUBLIC HEARINGS

8. Introduction of Ordinance No. 811 Amending Sections 13.64.010, 13.64.030 and 13.64.040 of Chapter 13.64 *Water and Sewerage System Requirements* of the Cotati Municipal Code (*City Engineer*)
9. Introduction of Ordinances adopting the State Building and Fire Code by Reference Including Amendments thereto. (NOTE: This item will be continued to December 12, 2007.) (*Building Official*)

## REGULAR AGENDA

-- No items.

## JOINT MEETING OF CITY COUNCIL AND REDEVELOPMENT AGENCY BOARD OF DIRECTORS

Call to Order

Roll Call

Consent Calendar

### READING OF CONSENT CALENDAR TITLES:

-- No items.

Regular Agenda

-- No items.

Adjournment of joint meeting; reconvening of regular meeting of City Council

**DISCUSSION AND/OR ACTION ON PENDING STATE OR FEDERAL LEGISLATION  
AND ACTIVITIES**

**CITY COUNCIL REPORTS AND COMMENTS**

- Brief announcements and reports on Councilmember activities, including reports from meetings attended at City expense.

**ADJOURNMENT**

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 November 21, 2007.

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Deputy City Clerk

**DRAFT**

Subject to Approval

**CITY OF COTATI**

**Minutes of the Regular City Council Meeting/Joint Meeting of the City Council  
And Cotati Community Redevelopment Agency Board of Directors**

**City Hall, 201 W. Sierra Avenue**

**NOVEMBER 14, 2007**

**CALL TO ORDER OF CITY COUNCIL MEETING**

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

**ROLL CALL**

Councilmembers present: Guardino, Minnis and Orchard, Vice Mayor Gilardi, Mayor Fox

Staff present: Thompson, Walter, Nebb, Hayes, Woltering, Taylor

Mayor Fox announced that the Council would adjourn to closed session and opened the floor to public comment regarding closed session topics; there being no one wishing to speak, the Council adjourned to closed session in the conference room at 6:34 p.m.

**PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54950.5 ET SEQ,  
THE CITY COUNCIL WILL MEET IN CLOSED SESSION:**

**CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION**

(Cal. Gov't Code section 54956.9(a))

Name of case: Pacific Legal Foundation v. City of Cotati

**RECONVENE TO OPEN SESSION OF CITY COUNCIL MEETING**

The Council reconvened in open session at 7:00 p.m. in the Council Chambers.

**PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

Mayor Fox dedicated this moment of silence in honor of the memory of the late Elaine Thomas and the late Sophie Nommsen.

**CLOSED SESSION ANNOUNCEMENT**

None.

**APPROVAL OF MINUTES AND NOTICE OF WAIVING READING**

1. Regular meeting minutes of October 24, 2007

-- Notice of waiving the reading of all ordinances introduced and/or adopted under this agenda.

Moved by Vice Mayor Gilardi, seconded by Councilmember Guardino and passed unanimously to approve the minutes of the Regular meeting of October 24, 2007 and to waive the reading of all ordinances introduced and/or adopted under this agenda.

## **APPROVAL OF FINAL AGENDA**

### **CITIZEN BUSINESS**

Sean N. (Last name not discernable.) addressed the Council regarding skateboards and indicated his support for a skate park in Cotati.

Adrienne Lauby of Cotati reported that a she would not be able to stay for the meeting because she would be attending another event in town.

The Senior Patrol Leader for Cotati Boy Scout Troop 4 announced that the Troop was in attendance in order to meet requirements for the Communications and Citizenship in the Community Merit badges.

In response to the speakers, Mayor Fox welcomed Troop 4. He encouraged Sean to contact Recreation Director Terry Dutra for additional information regarding a skate park in Cotati.

### **COUNCILMEMBER DIRECTION ON FUTURE AGENDA ITEMS**

None.

### **ORAL AND WRITTEN COMMUNICATIONS**

#### Announcements

Mayor Fox announced the following event(s):

- A Downtown Specific Plan Informational Update is scheduled for Saturday November 17, 2007, from 10:00 a.m. to 12:00 noon in the Cotati Room at the Ray Miller Community Center, 216 E. School Street.
- The next Cotati Creek Critters' Community Planting Day is Sunday, November 25 from 10:00 a.m. to 1:00 p.m.; meet at City well lot # 2 on Lakewood Avenue.

#### Report from Sonoma State University Representative

##### 2. Sonoma State University Report on University Activities and Events

Nicole Schlossberg, Student Representative, Sonoma State University, reported on University activities and events. She announced and indicated her regret that her last Cotati City Council meeting would be in January and that she would be introducing her successor a Council meeting in the near future.

Tim D. (Last name not discernable.) of Sonoma State University invited the Council and Community to a Focus the Nation event at Sonoma State University on January 30, 2008.

#### Report by Student Honorary Mayor

3. Alison Hager, Rancho Cotate High School

Alison Hager, Student Honorary Mayor, reported on her interests and responded to questions from Council. She introduced her parents to the Council and audience.

Correspondence and Presentations

-- No Items.

Proclamation(s)

-- No Items.

Commissions, Committees, Boards and Task Forces

4. Appointment/Re-Appointment to the Design Review Committee to Fill Two Vacancies: 1) a Person Skilled in Landscape Design (Alternate Position); and, 2) a Licensed Architect

David Woltering, Director of Planning, presented the staff report.

Mayor Fox opened the floor to public comment.

Luanne Ufer of Windsor, applicant to the Design Review Committee as an alternate, indicated her willingness to serve and responded to questions from the Council regarding her connections to Cotati and the Design Review Committee meeting schedule.

Sally Glendening of Forestville, applicant to the Design Review Committee, indicated her willingness to serve and responded to questions from the Council regarding her connections to Cotati, her work in Forestville and the Design Review Committee meeting schedule.

Mayor Fox closed the public comment period.

Mayor Fox moved to appoint Luanne Ufer as alternate to the Design Review Committee.

**Moved** by Councilmember Orchard, seconded by Vice Mayor Gilardi, and passed unanimously to ratify the Mayor's appointment of Luanne Ufer as alternate to the Design Review Committee for a two-year term.

Mayor Fox moved to appoint Sally Glendening as architect on the Design Review Committee.

**Moved** by Councilmember Orchard, seconded by Vice Mayor Gilardi, and passed unanimously to ratify the Mayor's appointment of Sally Glendening as architect on the Design Review Committee for a two-year term.

**CITY MANAGER REPORT**

City Manager Dianne Thompson reported the following:

- The East Cotati Avenue waterline replacement project is ahead of schedule and there will be no activity on the project during the Thanksgiving holiday week.
- Preliminary landscape plans for the demonstration gardens have been received and will be brought before the Design Review Committee in January of 2008 and then to the Council in February.
- The City Council agenda packets will be posted on the web along with the City Council agenda and minutes commencing with the November 28, 2007 City Council meeting.
- Due to the proliferation of banners in town there has been increased enforcement of banner policy. Business owners who have banners that are not in compliance have been notified; business owners who have voluntarily complied have been thanked in writing.

## CONSENT CALENDAR

### READING OF CONSENT CALENDAR TITLES:

5. Authorize the City Manager to Execute Lease Agreement with MetroPCS for Installation of a Cellular Telecommunications Transmission Site on City Property (*Director of Finance*)
6. City Council Acceptance of Public Improvements and Authorization to File the Notice of Completion (NOC) for the Veranda Subdivision (910 East Cotati Avenue, PA# 20/02) (*Director of Planning*)
7. Action to Approve a One-Year Extension of a Tentative Map Approval – Ristad Subdivision, 195 Eucalyptus Avenue (*Director of Planning*)

Vice Mayor Gilardi announced that she would recuse herself from item 6 (Veranda Subdivision Tentative Map Extension) because Standard Pacific Homes is her client.

Councilmember Guardino announced that he would recuse himself from item no. 5 (Agreement with MetroPCS) because he has an ownership interest in property within 500 feet of the subject site.

**Moved** by Councilmember Orchard and seconded by Councilmember Minnis to approve item no. 5 on the Consent Calendar.

Yes: 4      No: 0      Abstain: 1 (Guardino)

**Moved** by Councilmember Orchard and seconded by Councilmember Minnis to approve item no. 6 on the Consent Calendar.

Yes: 4      No: 0      Abstain: 1 (Gilardi)

**Moved** by Councilmember Orchard and seconded by Councilmember Guardino to approve item

7 on the Consent Calendar.

Yes: 5 No: 0 Abstain: 0

## **PUBLIC HEARINGS**

8. Introduction of Ordinance No. 809 repealing Urgency Ordinance Numbers 798, 800, and 808, which established and extended an interim moratorium on the establishment of Formula-based Fast Food Restaurants within the City of Cotati

Councilmember Minnis recused herself from this item due to conflicts of business interests.

Alicia Giudice, Senior Planner, presented the staff report.

Mayor Fox opened the public hearing; there being no one wishing to speak, he closed the public hearing.

**Moved** by Councilmember Orchard, seconded by Vice Mayor Gilardi, to introduce and waive reading of the text of Ordinance No. 809 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI REPEALING URGENCY ORDINANCE NUMBERS 798, 800, AND 808 WHICH ESTABLISHED AND EXTENDED AN INTERIM MORATORIUM ON THE ESTABLISHMENT OF FORMULA-BASED FAST FOOD RESTAURANTS WITHIN THE CITY OF COTATI

Yes: 4 No: 0 Abstain: 1 (Minnis)

9. Introduction of Ordinances adopting the State Building and Fire Code by Reference Including Amendments Thereto (*Building Official*) (NOTE: THIS PUBLIC HEARING WILL BE CONTINUED TO NOVEMBER 28, 2007.)

This item was continued to November 28, 2007.

## **REGULAR AGENDA**

10. Receive and File Water Shortage 2007 Update Report

City Engineer Toni Bertolero presented the staff report and responded to questions from the Council regarding groundwater use.

Mayor Fox opened the floor to public comment; there was none.

11. Authorize the Mayor to Sign a Letter Indicating Council's Opinion Regarding Potential School Closure by the Rohnert Park-Cotati Unified School

City Manager Dianne Thompson presented the staff report.

Mayor Fox opened the floor to public comment.

Lisa Moore of Cotati spoke in support for keeping Thomas Page School open, and noted

that the Rohnert Park-Cotati School District has indicated that it will not close the school.

Vice Mayor Gilardi acknowledged that her husband is a member of the Board of Trustees of the Rohnert Park-Cotati School District and indicated that she has no conflict of interest in this item.

Councilmember Orchard submitted a draft letter to the District for consideration.

Discussion ensued regarding the potential school closures and the District's indication that it will not close Thomas Page School.

**Moved** by Councilmember Orchard, seconded by Councilmember Guardino and passed unanimously to write a letter incorporating the sentiments of Councilmember Orchard's draft letter indicating Council's opinion regarding potential school closure by the Rohnert Park-Cotati Unified School District and to authorize the Mayor to sign the letter.

12. Authorize the Mayor to Sign a Letter to Governor Schwarzenegger regarding gaming compact with Federated Indians of the Graton Rancheria

City Manager Dianne Thompson presented the staff report.

Mayor Fox opened the floor for public comment; there were none.

Discussion ensued regarding the proposed letter; Council concurred to add a reference to local environmental impacts, including water supply.

**Moved** by Vice Mayor Guardino, seconded by Councilmember Guardino and passed unanimously to authorize the Mayor to sign a letter to Governor Schwarzenegger regarding gaming compact with Federated Indians of the Graton Rancheria.

## **JOINT MEETING OF CITY COUNCIL AND REDEVELOPMENT AGENCY BOARD OF DIRECTORS**

### Call to Order

Mayor Fox called the joint meeting to order at 8:08 p.m.

### Roll Call

Council/Agency Members present: Guardino, Minnis, Orchard, Gilardi, Fox

Staff present: Thompson, Nebb, Hayes, Taylor

### READING OF CONSENT CALENDAR TITLES:

#### Consent Calendar

13. Authorize the City Manager to Retain Consultant and Enter Into Consultant Services Agreement with Keyser Marston Associates to Prepare a Downtown Specific Plan

Infrastructure and Community Facilities Financing Plan/Financial Analysis and Appropriate Funds Not to Exceed \$36,500 (*Senior Planner*)

14. Receive and File Warrants and Audited Claims for October 4<sup>th</sup> – October 24<sup>th</sup>, 2007  
(*Director of Finance*)

**Moved** by Member Gilardi and seconded by Member Minnis to approve items 13 and 14 on the Consent Calendar.

Yes: 5      No: 0      Abstain: 0

Regular Agenda

-- No Items

Adjournment of Joint Meeting; reconvening of regular meeting of City Council meeting

Mayor Fox adjourned the joint meeting of the City Council and Redevelopment Agency Board of Directors and reconvened the regular meeting of the City Council at 8:09 p.m.

**DISCUSSION AND/OR ACTION ON PENDING STATE OR FEDERAL LEGISLATION AND ACTIVITIES**

**CITY COUNCIL REPORTS AND COMMENTS**

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

**ADJOURNMENT**

Mayor Fox adjourned the meeting at 8:20 p.m. in the memory of the late Elaine Thomas and the late Sophie Nommsen.

Respectfully submitted,

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Tamara Taylor, Deputy City Clerk

## City Council Agenda

### Consent Calendar

**Subject:** Approve Resolution 07-79 in Support of Tom Bradley Commemorative Stamp

**Date:** November 28, 2007

**Initiated By:** Dianne Thompson, City Manager

**Written by:** Tamara Taylor, Deputy City Clerk

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#### **Recommendation**

Adoption of resolution in support of Tom Bradley commemorative stamp.

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#### **Background**

At the September meeting of the Board of Directors of the League of California Cities, a unanimous vote was taken to support the growing efforts of public and private organizations and individuals around California and the nation that are urging the United States Postal Service to issue a stamp commemorating the achievements and legacy of the late Tom Bradley, former mayor of Los Angeles.

Tom Bradley contributed considerably to the cities of California, both in his capacity as mayor of Los Angeles and as president of the League of California Cities in 1979-80. The League Board of Directors has asked Cotati to join in this effort by adopting a resolution stating Council's support of a Tom Bradley commemorative stamp.

#### Attachments

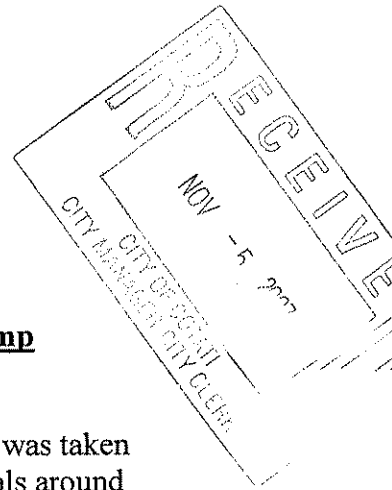
Letter dated October 31, 2007 from the League of California Cities  
Draft Resolution 07-79

October 31, 2007

**TO: Mayors, Council Members and City Managers**

**FROM: League Board of Directors**

**RE: Resolution in Support of Tom Bradley Commemorative Stamp**



At the September meeting of the League Board of Directors, a unanimous vote was taken to support the growing efforts of public and private organizations and individuals around California and the nation that are urging the United States Postal Service to issue a stamp commemorating the achievements and legacy of the late Tom Bradley, former Mayor of Los Angeles.

The Board also agreed to develop and distribute a sample/model resolution that California's cities could use to take action in support of the issuance of a commemorative stamp. A copy of that resolution is attached. Please feel free to use it as a guide in constructing a resolution for your city that supports this effort.

Tom Bradley contributed considerably to the cities of California both in his capacity as Mayor of Los Angeles and President of the League of California Cities in 1979-80. The League Board of Directors asks your city to join in this effort.

Thank you for your consideration.

**Sample/Model Resolution**

City of \_\_\_\_\_

Resolution Number \_\_\_\_\_

**Resolution in Support of Issuing a Postal Stamp in Honor  
of  
Mayor Tom Bradley**

**WHEREAS**, Tom Bradley's record of public service to the citizens of Los Angeles, the State of California and the nation has left a legacy for many to follow; and

**WHEREAS**, this record deserves the highest recognition from California and the nation; and

**WHEREAS**, Tom Bradley attended the Los Angeles public school system and excelled both academically and athletically; and

**WHEREAS**, attended UCLA where he soon distinguished himself as a track star; and

**WHEREAS**, Tom Bradley joined the Los Angeles Police Department in 1940; and

**WHEREAS**, he worked full time as a police officer while attending Southwestern University law school at night; and

**WHEREAS**, he graduated from Southwestern University in 1956 and passed the California state bar examination; and

**WHEREAS**, after 21 years of service, he retired from the Los Angeles Police Department with the rank of lieutenant; and

**WHEREAS**, in 1963 he ran for the Los Angeles city council and won his first term on the council, where he would serve a total of 10 years; and

**WHEREAS**, in 1973 Tom Bradley ran for mayor of Los Angeles and was elected the 37<sup>th</sup> mayor of the largest city in California and one of the largest cities in the United States; and

**WHEREAS**, Mayor Bradley's record focused on a wide range of interests and issues for the citizens of Los Angeles, including the attraction of business to the city, the establishment of policies that resulted in the dramatic resurgence of downtown Los Angeles as an economic center, changes to the city's harbor and airports that made these

facilities successful business operations that enables Los Angeles to compete successfully in the world market; and

**WHEREAS**, Tom Bradley's city colleagues from across the nation recognized his leadership qualities and elected him as the President of the National League of Cities in 1974; and

**WHEREAS**, Tom Bradley was elected President of the League of California Cities in 1979-80; and

**WHEREAS**, the record of Tom Bradley's public service is so exceptional that it is especially fitting that the legacy of this great Californian and American be marked by the issuance of a special commemorative stamp by the United States Postal Service in his honor; now therefore be it

**RESOLVED**, by the City of \_\_\_\_\_ communicate its SUPPORT to the Citizens Stamp Advisory Committee of the United States Postal Service for the issuance of a commemorative postal stamp in honor of the late Mayor Tom Bradley.

**DRAFT**

**To be approved by Council: 11/28/07**

**RESOLUTION NO. 07-79**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF COTATI IN SUPPORT OF ISSUING A POSTAL STAMP IN HONOR OF MAYOR  
TOM BRADLEY**

**WHEREAS**, Tom Bradley's record of public service to the citizens of Los Angeles, the State of California and the nation has left a legacy for many to follow; and

**WHEREAS**, this record deserves the highest recognition from California and the nation; and

**WHEREAS**, Tom Bradley attended the Los Angeles public school system and excelled both academically and athletically; and

**WHEREAS**, attended UCLA where he soon distinguished himself as a track star; and

**WHEREAS**, Tom Bradley joined the Los Angeles Police Department in 1940; and

**WHEREAS**, he worked full-time as a police officer while attending Southwestern University law school at night; and

**WHEREAS**, he graduated from Southwestern University in 1956 and passed the California state bar examination; and

**WHEREAS**, after 21 years of service, he retired from the Los Angeles Police Department with the rank of lieutenant; and

**WHEREAS**, in 1963 he ran for the Los Angeles City Council and won his first term on the Council, where he would serve a total of ten years; and

**WHEREAS**, in 1973 Tom Bradley ran for mayor of Los Angeles and was elected the 37<sup>th</sup> mayor of the largest city in California and one of the largest cities in the United States; and

**WHEREAS**, Mayor Bradley's record focused on a wide range of interests and issues for the citizens of Los Angeles, including the attraction of business to the city, the establishment of policies that resulted in the dramatic resurgence of downtown Los Angeles as an economic center, changes to the city's harbor and airports that made these facilities successful business operations that enables Los Angeles to compete successfully in the world market; and

**WHEREAS**, Tom Bradley's city colleagues from across the nation recognized his leadership qualities and elected him as the President of the National League of Cities in 1974; and

**WHEREAS**, Tom Bradley was elected President of the League of California Cities in 1979-80; and

**WHEREAS**, the record of Tom Bradley's public service is so exceptional that it is especially fitting that the legacy of this great Californian and American be marked by the issuance of a special commemorative stamp by the United States Postal Service in his honor.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Cotati communicate its support to the Citizen's Stamp Advisory Committee of the United States Postal Service for the issuance of a commemorative postal stamp in honor of the late Mayor Tom Bradley.

**IT IS HEREBY CERTIFIED** that the foregoing resolution was duly introduced and legally adopted at a regular meeting of the City Council of the City of Cotati held on the 28<sup>th</sup> day of November, 2007 by the following vote, to wit:

FOX	_____
GILARDI	_____
GUARDINO	_____
MINNIS	_____
ORCHARD	_____

Approved: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Deputy City Clerk

## City Council Agenda Consent Calendar

**Subject:** 2<sup>nd</sup> Reading and Adoption of Ordinance No. 809, Repealing Urgency Ordinance 798, 800, and 808, Which Established and Extended an Interim Moratorium on the Establishment of Formula-Based Fast Food Restaurants within the City Of Cotati- Second Reading

**Date:** November 28, 2007

**Initiated By:** Dianne Thompson, City Manager

**Written by:** David Woltering, Director of Planning  
Alicia M. Giudice, Associate Planner

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### **RECOMMENDATION:**

Adopt Ordinance No. 809, repealing Urgency Ordinance Numbers 798, 800, and 808, which established and extended an Interim Moratorium on the establishment of Formula-Based Fast Food Restaurants within the City Of Cotati.

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### **Background:**

On October 24, 2007, the City Council adopted Ordinance No. 801, which establishes permanent regulations for businesses defined as Formula-based Fast Food Restaurants within the City of Cotati. Regulations in this ordinance pertain to entitlement review, location limits, separation limits, and a maximum number of such businesses that would be allowed within the City.

Upon adoption of Ordinance Number 801, the previous interim Urgency Ordinance becomes unnecessary and a repeal of such interim ordinance is appropriate.

On November 14, 2007, the City Council Introduced Ordinance No. 809, to repeal Ordinance Numbers 798, 800, and 808, which established and extended an interim Moratorium on the establishment of Formula-Based Fast Food Restaurants. This repeal becomes effective on December 29, 2007, which is the 31<sup>st</sup> day following an adoption date of November 28, 2007.

### **Attachments**

1. Ordinance Number 809

**ORDINANCE 809**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF COTATI REPEALING URGENCY ORDINANCE NUMBERS 798, 800, and 808  
WHICH ESTABLISHED AND EXTENDED AN INTERIM MORATORIUM ON THE  
ESTABLISHMENT OF FORMULA-BASED FAST FOOD RESTAURANTS WITHIN THE CITY  
OF COTATI**

**WHEREAS**, on March 5, 2007 the City of Cotati City Council did adopt Urgency Ordinance No. 798 establishing an interim moratorium on the establishment of Formula-Based Fast Food Restaurants within the City; and,

**WHEREAS**, on March 28, 2007, the City of Cotati City Council did adopt Ordinance No. 800, an extension to the Urgency Ordinance pursuant to California Government Code Section 65858 for a period of 6 months. Said ordinance was to remain in affect until October 17, 2007; and

**WHEREAS**, on October 10, 2007, the City of Cotati City Council did adopt Ordinance No. 808, a further extension of Urgency Ordinance No. 798, pending adoption of permanent restrictions governing Formula-Based Fast Food Restaurants; and

**WHEREAS**, on October 10, 2007, the City of Cotati City Council did introduce Ordinance No. 801, adding Section 17.42.071, titled Formula-Based Fast Food Restaurant to the Cotati Municipal Code and amending Sections, 17.22.020 (Table 2-3), and 17.90.020, to add specific provisions relating to Formula-Based Fast Food Restaurants; and

**WHEREAS**, on October 24, 2007, the City of Cotati City Council did adopt Ordinance No. 801, adding Section 17.42.071, titled Formula-Based Fast Food Restaurant to the Cotati Municipal Code and amending Sections, 17.22.020 (Table 2-3), and 17.90.020, to add specific provisions relating to Formula-Based Fast Food Restaurants; and

**WHEREAS**, upon adoption and effective date of Ordinance No. 801, establishing substantive regulations and limitations relating to the establishment of Formula-Based Fast Food Restaurants, the interim Urgency Ordinance will not longer be necessary to protect the public health, safety, and welfare.

\*\*\*\*\*

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COTATI DOES ORDAIN  
AS FOLLOWS:**

**SECTION 1:** Urgency Ordinance No. 798, together with Ordinance No. 800 and Ordinance No. 808, establishing subsequent extensions thereof, are hereby repealed.

**SECTION 2: Severability.** The provisions of this chapter are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Chapter.

**SECTION 3: Effective Date.** This ordinance shall take effect on the 31st day following its adoption.

**Ordinance 809**  
**Repealing Urgency Ordinance 798, 800, 808**  
**Related to Formula-Based Fast Food Restaurants**

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**IT IS HEREBY CERTIFIED** that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Cotati on the 14<sup>th</sup> day of November, 2007, and adopted on the \_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote, to wit:

FOX \_\_\_\_\_  
GILARDI \_\_\_\_\_  
GUARDINO \_\_\_\_\_  
MINNIS \_\_\_\_\_  
ORCHARD \_\_\_\_\_

APPROVED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Deputy City Clerk

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney

## City Council Staff Report Public Hearing

**Subject:** Introduction of Ordinance No. 811 Amending Sections 13.64.010, 13.64.030 and 13.64.040 of Chapter 13.64 *Water and Sewerage System Requirements* of the Cotati Municipal Code

**Date:** November 28, 2007

**Initiated By:** Toni Bertolero, City Engineer

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### **Recommendation:**

It is recommended that Council introduce, read the title of, and waive the full reading of, the Ordinance amending Sections 13.64.010, 13.64.030 and 13.64.040 of Chapter 13.64 *Water and Sewerage System Requirements* of the Municipal Code pertaining to indoor water conservation measures, water savings devices and toilet rebates.

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### **Background and Summary:**

In 1989, the City adopted the Conservation Measures Ordinance for new and remodeled structures. The purpose of the ordinance is to provide for a water/wastewater conservation fee and to provide toilet rebates; the purpose of both being the encouragement of installation of water savings devices that would reduce water demand and sewer impacts.

Given the current state of the water supply picture for the entire region, as well as environmental impacts to discharging more sewer effluent to the Russian River, it became apparent that the City's current ordinance needs to be modified to reflect these changing conditions.

The attached ordinance is shown with "markups" to show where the proposed revisions occur. A highlight of the proposed changes follows:

- Section 13.64.010 is proposed to be modified to clarify what the purpose of the ordinance is. Originally, the City relied on local groundwater supply but is updated to reflect the City's reliance on Russian River water supply as well.
- Section 13.64.010 is proposed to be modified to clarify that "water savings devices" also includes indoor water conservation measures.

- The previous ordinance had an error in the standard for an ultra-low flush toilet (ULFT). The standard for a ULFT is 1.6 gallons per flush, not 1.5 gallons per flush and this number is revised throughout the ordinance.
- Section 13.63.030 is proposed to allow replacing a non-ULFT to a ULFT or a high efficiency toilet (HET) which uses even less than 1.6 gallons per flush. HETs are state of the art and not that common but will become more popular as the technology becomes more reliable.
- Section 13.64.040 is being changed so that a rebate check is being issued for credit for replacing a non-ULFT toilet. The current ordinance provides for the credit against the customer's water bill but that is a cumbersome process for the Finance Department and a rebate check is much easier to process.
- Section 13.64.040 revises the toilet rebate from \$50 per toilet to \$150 per toilet. The higher rebate amount keeps the City's rebate amount more in line with other public agencies that provide for toilet rebates. The ordinance will also provide for annual increases to the rebate amount to keep up with inflation.

#### **Financial Considerations:**

Currently, the City imposes a water conservation fee to each new water hookup. There are adequate funds in the water conservation fee account to provide for the added rebate amount.

#### **Legal Considerations:**

The City Attorney has reviewed the ordinance.

Attachments:

Ordinance No. 811 (final)

Ordinance No. 811 (showing markups)

## ORDINANCE NO. 811

### ORDINANCE AMENDING SECTIONS 13.64.010, 13.64.030 AND 13.64.040 OF CHAPTER 13.64 WATER AND SEWERAGE SYSTEM REQUIREMENTS OF THE COTATI MUNICIPAL CODE

The City Council for the City of Cotati does hereby ordain as follows:

**SECTION 1.** Section 13.64.010 of Chapter 13.64 *Water and Sewerage System Requirements* of the Cotati Municipal Code is amended to read as follows:

13.64.010 Findings and Purpose. The City of Cotati's projected future population growth has led to increased concern over the City's diminishing sewage treatment capacity share in the Santa Rosa Subregional Sewerage System. At the same time, the City depends on the use of a ground water supply and the use of Russian River water supplied by the Sonoma County Water Agency for the City's water supply and wishes to conserve those finite resources.

Therefore, the City Council of Cotati hereby determines that there are certain water savings devices and indoor water conservation measures which can be incorporated into all new construction, and in remodeling of existing kitchens and bathrooms, and that the use of such devices and implementation of such indoor water conservation measures will help conserve water and preserve the City's sewerage treatment capacity.

**SECTION 2.** Section 13.64.030 of Chapter 13.64 *Water and Sewerage System Requirements* of the Cotati Municipal Code is amended to read as follows:

13.64.030 Conservation devices—Required for building permit. A. All tank-type water closets in any and all new construction and any project involving remodel of a bathroom(s) shall use no more than one and six tenths (1.6) gallons per flush and shall be a minimum "ultra-low flush" type toilet.

B. In all new construction, and any construction project involving the remodeling of bathrooms, kitchens, laundry rooms or other areas where hot water piping is installed, potable hot water piping in accessible unconditioned areas leading from water heaters shall be insulated to provide an installed conductance of 0.33 or less.

C. A water/wastewater conservation fee is hereby established and shall be consistent with section 13.64.010 and as follows:

1. The water/wastewater fee shall apply to all new or increased (in number or size) sewer connections for residential and non-residential property.
2. The amount of the water/wastewater conservation fee shall be established by resolution of the city council and shall be amended from time to time to appropriately reflect cost changes.

**SECTION 3.** Section 13.64.040 of Chapter 13.64 *Water and Sewerage System Requirements* of the Cotati Municipal Code is amended to read as follows:

13.64.040 Credit for Installation of ultra-low flush toilets. Once it is confirmed that a residential or non-residential water and/or sewer account has replaced existing toilet(s) that use more than 1.6 gallons per flush with one or more ultra-low flush toilets or with toilets that use no more than 1.6 gallons per flush (as confirmed by the Building Inspector), the Finance Director shall provide a \$150 rebate to the property owner for each replaced toilet following the replacement installation as described in this section. The rebate amount of \$150 per toilet may be raised by the Finance Director at a rate of increase of the Bay Area Consumer Price Index (CPI) beginning July 1, 2008 and by the CPI rate of increase each year thereafter, provided, there are adequate funds in the Toilet Rebate and Retrofit account.

**SECTION 4.** Severability. If any section, subsection, sentenced, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by 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 thereof.

**SECTION 5.** Effective Date. This ordinance shall become effective thirty (30) days after the date of adoption.

**SECTION 6.** Posting. The City Clerk shall cause this ordinance to be posted and/or published within fifteen (15) days after the date of adoption.

It is hereby certified that the foregoing ordinance was introduced on the 28<sup>th</sup> day of November, 2007, and adopted on the \_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote, to wit:

Approved: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

ORDINANCE NO. 811

**ORDINANCE AMENDING SECTIONS 13.64.010, 13.64.030 AND 13.64.040 OF  
CHAPTER 13.64 WATER AND SEWERAGE SYSTEM REQUIREMENTS OF THE  
COTATI MUNICIPAL CODE**

The City Council for the City of Cotati does hereby ordain as follows:

**SECTION 1.** Section 13.64.010 of Chapter 13.64 *Water and Sewerage System Requirements* of the Cotati Municipal Code is amended to read as follows:

13.64.010 Findings and Purpose. The City of Cotati's projected future population growth has led to increased concern over the City's diminishing sewage treatment capacity share in the Santa Rosa Subregional Sewerage System. At the same time, the City ~~partially depends upon~~ and the use of a ~~underground water supply~~ and the use of Russian River water supplied by the Sonoma County Water Agency for the City's water supply and wishes to conserve ~~that~~ these finite resources.

Therefore, the City Council of Cotati hereby determines that there are certain water savings devices and indoor water conservation measures which can be incorporated into all new construction, and in remodeling of existing kitchens and bathrooms, and that the use of such devices and implementation of such indoor water conservation measures will help conserve water and preserve the City's sewerage treatment capacity.

**SECTION 2.** Section 13.64.030 of Chapter 13.64 *Water and Sewerage System Requirements* of the Cotati Municipal Code is amended to read as follows:

13.64.030 Conservation devices—Required for building permit. A. All tank-type water closets in any and all new construction and any project involving remodel of a bathroom(s) shall use not ~~more than in excess of~~ one and ~~five~~ six tenths (1.~~5~~6) gallons per ~~s~~ flush and shall be ~~a~~ minimum "ultra-low flush" type toilet.

~~————Note: The provisions of subsection (A) of this section shall apply to all new construction and do the remodeling of bathrooms, for which any building, plumbing or mechanical permit is issued after the effective date of this ordinance.~~

B. In all new construction, and any construction project involving the remodeling of bathrooms, kitchens, laundry rooms or other areas where hot water piping is installed, ~~P~~potable hot water piping in accessible unconditioned areas leading from water heaters shall be insulated to provide an installed conductance of 0.33 or less.

~~Note: The provisions of subsection (B) of this section shall apply to all new construction, and to the remodeling of bathrooms, kitchens, laundry rooms or other areas where hot water piping is installed.~~

C. A water/wastewater conservation fee is hereby established and shall be consistent with section 13.64.010 and as follows:

1. The water/wastewater fee shall apply to ~~under-developed property~~ all new or increased (in number or size) sewer connections for residential and non-residential property.

2. The amount of the water/wastewater conservation fee shall be established by resolution of the city council and shall be amended from time to time to appropriately reflect cost changes.

**SECTION 3.** Section 13.64.040 of Chapter 13.64 *Water and Sewerage System Requirements* of the Cotati Municipal Code is amended to read as follows:

13.64.040 Credit for Installation of ultra-low flush toilets. Once it is confirmed that a residential or non-residential water and/or sewer account has installed/replaced existing toilet(s) that use more than 1.6 gallons per flush with ~~one or more~~ ultra-low flush ~~unit~~toilets or with toilets that use no more than 1.6 gallons per flush (as confirmed by the Building Inspector), the Finance ~~Officer~~ Director shall ~~provide~~ give a \$50 ~~\$150~~ rebate ~~to the property owner~~ for each replaced toilet ~~credit against the user's first bi-monthly sewer service bill~~ following the replacement installation (for replacing the old 5-gallon unit with a 1.5 gallon or less) as described in this section. ~~There shall be a \$50 credit per replaced toilet.~~ The rebate amount of \$150 per toilet may be raised by the Finance Director at a rate of increase of the Bay Area Consumer Price Index (CPI) beginning July 1, 2008 and by the CPI rate of increase each year thereafter, provided, there are adequate funds in the Toilet Rebate and Retrofit account.

~~Note: The provisions of this section shall apply only to retro-fitting of existing toilets. There shall be no credit for new construction.~~

**SECTION 4.** Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by 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 thereof.

**SECTION 5.** Effective Date. This ordinance shall become effective thirty (30) days after the date of adoption.

**SECTION 6.** Posting. The City Clerk shall cause this ordinance to be posted and/or published within fifteen (15) days after the date of adoption.

It is hereby certified that the foregoing ordinance was introduced on the 28<sup>th</sup> day of November, 2007, and adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote, to wit:

Approved: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

**Item No. 9**

Introduction of Ordinances adopting the State Building and Fire Code by Reference  
Including Amendments Thereto (*Building Official*)

**NOTE: THIS PUBLIC HEARING WILL BE  
CONTINUED TO DECEMBER 12, 2007**