



MINUTES
REGULAR CITY COUNCIL MEETING, JOINT MEETING OF THE CITY COUNCIL
AND THE BOARD OF DIRECTORS OF THE COTATI COMMUNITY
REDEVELOPMENT AGENCY
WEDNESDAY JANUARY 12, 2011
6:00 PM CLOSED SESSION
7:00 PM REGULAR SESSION
City Council Chambers, City Hall, 201 W. Sierra Avenue

6:00 PM CLOSED SESSION CALL TO ORDER (CITY COUNCIL CHAMBERS)

Mayor Coleman-Senghor called the meeting to order at 6:03 p.m.

City Attorney Rich Rundansky announced that a legal matter came to the attention of the City after the agenda was posted and there is a need to take immediate action. He recommended that the City Council add the following item to the closed session agenda:

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION (ONE MATTER)
(Government Code Section 54956.9)

Moved by Councilmember Gilardi, seconded by Councilmember Mark Landman and passed unanimously to add the above item to the closed session agenda.

PUBLIC COMMENT ON CLOSED SESSION

None.

ADJOURNMENT TO CLOSED SESSION (CITY MANAGER’S OFFICE)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9)

Colvin Group 1, L.P. vs. City of Cotati, et. al. (Sonoma County Superior Court Case No. SCV-248067)

Mead vs City of Cotati, et. al. (United States Court of Appeals for the Ninth Circuit / Case No. 09-15005)

REPORT OUT OF CLOSED SESSION

None.

7:00 PM REGULAR SESSION

CALL TO ORDER OF REGULAR CITY COUNCIL MEETING

Mayor Coleman-Senghor called the meeting to order at 7:04 p.m. He indicated that there was nothing to report out of the closed session.

ROLL CALL

Councilmembers present: Councilmembers Gilardi, Harvey and Landman, Vice Mayor Orchard and Mayor Coleman-Senghor.

Staff present: Acting Community Development Director/Assistant to the City Manager Marsha Sue Lustig, City Engineer/Director of Public Works Damien O'Bid, Police Chief Michael Parish, City Attorney Rich Rudnansky, Deputy City Clerk Tamara Taylor and City Manager Dianne Thompson

PLEDGE OF ALLEGIANCE

Gail Powell led the pledge of allegiance.

Mayor Coleman-Senghor noted consideration of the victims of the recent tragedy in Arizona.

1. APPROVAL OF MINUTES OF THE DECEMBER 8, 2010 REGULAR MEETING AND THE DECEMBER 15, 2010 SPECIAL MEETING AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (*Action*)

Moved by Vice Mayor Orchard, seconded by Councilmember Landman and passed unanimously to approve the minutes of the December 8, 2010 Regular meeting with minor corrections (correction of misspelled name on last page, and changing 'they' to 'we' in 6th paragraph from the bottom on page 8) and the December 15, 2010 Special meeting as presented, and to waive reading of all resolutions and ordinances introduced and/or adopted under this agenda.

2. REORGANIZATION OF CITY COUNCIL

City Manager Thompson presided over this portion of the meeting.

City Manager Thompson opened the floor to public comment.

The following individuals commented on the reorganization of the City Council:

George Barich

Max Scheder-Bieschin

Andre Morrow

Carol Williams

Carlton Hinkle

Neil Hancock

City Manager Thompson closed the floor to public comment.

2.1 COMMENTS FROM MAYOR ROBERT COLEMAN-SENGHOR

Mayor Coleman-Senghor commented on his experience as Mayor of the City of Cotati.

2.2 ELECTION OF MAYOR

Mayor Coleman-Senghor nominated Vice Mayor Orchard for the position of Mayor. Councilmember Susan Harvey seconded the nomination, which passed unanimously.

2.3 ELECTION OF VICE MAYOR

Councilmember Gilardi nominated Councilmember Susan Harvey for the position of Vice Mayor. Councilmember Coleman-Senghor seconded the nomination, which passed unanimously.

2.4 COMMENTS FROM NEWLY ELECTED MAYOR

Newly elected Mayor Janet Orchard reviewed the highlights of Councilmember Robert Coleman-Senghor's term as Mayor.

Councilmembers Gilardi and Landman, and Vice Mayor Harvey commented and commended Councilmember Robert Coleman-Senghor on his year as Mayor.

Councilmember Robert Coleman-Senghor made final comments and commended staff.

City Manager Thompson and City Attorney Rudnansky thanked Councilmember Robert Coleman-Senghor for his leadership, energy, enthusiasm, support and legal opinions.

Mayor Orchard presented Councilmember Robert Coleman-Senghor with a plaque to commemorate his service as Mayor.

Mayor Orchard called a recess at 7:34 p.m. and invited the audience to a short reception.

RECEPTION

The public is cordially invited to enjoy refreshments at a brief reception for the incoming and outgoing Mayor and Vice Mayor.

Mayor Orchard reconvened the meeting at 7:56 p.m.

ANNOUNCEMENTS

Cotati residents are encouraged to register at nixle.com to receive City Council agenda notifications and construction and road closure updates by email and text message.

The City of Cotati has a number of volunteer positions available, including appointments to the Marin/Sonoma Mosquito and Vector Control District, the Community and Environment

Commission, and an Office Assistant. For more information see the City's website at ci.cotati.ca.us or call the City Manager's office at 707-665-3622.

The Cotati Historical Society Museum is open regularly on Saturdays from 1:00 – 4:00 p.m. and the 2nd Wednesday of each month from 5:30-8:30 p.m.

HONORARY MAYOR

Noah Pamatmat of Lawrence Jones Middle School provided a report to the Council and responded to questions and comments from the Council.

CITY MANAGER'S REPORT

City Manager Dianne Thompson reported on the following:

- The City of Cotati has become an iWALK employer
- SMART (Sonoma Marin Area Rail Transit) update
- Highway 101 construction update
- Ongoing discussions of proposed State budget
- Introduced new Police Chief Michael Parish

APPROVAL OF FINAL AGENDA

The Council concurred to continue item 9 (Memorandum of Understanding with Cotati Employee Association) to the Council meeting of January 26, 2011 and to pull item 11 (Burbank Housing and Redevelopment)

Moved by Vice Mayor Harvey, seconded by Councilmember Gilardi and passed unanimously to approve the final agenda as noted above.

CITIZEN BUSINESS

Pat Rothschild presented the Council with a video recording entitled 'What if Cannabis Cured Cancer?'

George Barich commented on Councilmember Robert Coleman-Senghor's time as Vice Mayor.

Max Scheder-Bieschin addressed the Council regarding economic development.

Councilmembers briefly responded to public comments.

DIRECTION ON FUTURE AGENDA ITEMS

None.

City Manager Thompson noted a typographical error in the title of item no. 5 (The correct dollar amount is \$15,000)

CONSENT CALENDAR

Mayor Orchard Reopened citizen business for comments on Consent Calendar items.

Dennis Wallach addressed the Council, noting that it would be his last day as a police officer for the City of Cotati, and thanked the Cotati Police Department and the Council.

Chris Parker, Cotati Police officer, commended Dennis Wallach.

Councilmembers briefly commented on Mr. Wallach's remarks.

Mayor Orchard closed the public comment period.

Moved by Vice Mayor Harvey seconded by Councilmember Gilardi and passed unanimously to approve items 3 through 6 on the Consent Calendar, noting the correction in item 5.

3. ACTION ON REQUEST BY CITY ATTORNEY FOR CONFLICT WAIVER (City Manager) (Action)

This motion authorizes the City Manager to sign the request by City Attorney for Conflict Waiver.

4. APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY COUNCIL IN MAKING RECOMMENDATIONS TO THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS) IN REGARDS TO THE DISABILITY STATUS OF A CITY SAFETY EMPLOYEE APPLYING FOR A DISABILITY RETIREMENT (Administrative Services) (Action)

Resolution No. 2011-01 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI DELEGATING AUTHORITY TO THE CITY MANAGER FOR DETERMINATION OF DISABILITY STATUS FOR CALPERS DISABILITY RETIRMENT

5. CITY OF COTATI WELL 1A / WELL 3 REHABILITATION PROJECT – APPROPRIATION OF ADDITIONAL FUNDS IN AN AMOUNT NOT TO EXCEED \$15,000 (Public Works/Engineering) (Action)

This motion approves the additional appropriation of funds in an amount not to exceed \$15,000 to fulfill the design intent of the City of Cotati Well 1A / Well 3 Rehabilitation project, for a total construction cost of \$165,000.

6. ADOPTION OF RESOLUTION TO ESTABLISH SEVERANCE PAY FOR THE POLICE CHIEF (City Manager) (Action)

Resolution No. 2011-02 entitled: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI, CALIFORNIA TO ESTABLISH SALARY AND BENEFITS FOR THE POLICE CHIEF

REGULAR AGENDA

7. COUNCIL ASSIGNMENTS AS REPRESENTATIVES AND LIAISONS TO VARIOUS COMMITTEES AND COMMISSIONS (City Manager) (Action)

City Manager Thompson presented the staff report.

Discussion ensued as the dissolution of the Civic Center Museum and Ethics ad hoc committees with the Council concurring that the Council Protocol ad hoc subcommittee would take up ethics issues as needed: Janet and Bob

Mayor Orchard opened the floor to public comment.

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

Further discussion ensued regarding appointments to committees, with the Council agreeing on the 2011 appointments according to the table below:

<u>Ad Hoc Committees</u>		
Name of Committee	2011 Member(s)	
City Council Protocol Policy	Janet Orchard/Robert Coleman-Senghor	
Economic Development	Robert Coleman-Senghor/Janet Orchard	
<u>Standing Committees/Boards</u>		
Name of Committee	2011 Member	Alternate
AB 939 Local Task Force	Linda Christopher (Cotati citizen)	Marsha Sue Lustig
Assoc. of Bay Area Governments (ABAG)	Susan Harvey	Mark Landman/ Dianne Thompson
County-Wide Bicycle Advisory Committee	Ben Ford	Marsha Sue Lustig
Marin/Sonoma Mosquito Abatement Dist.	Yvonne Van Dyks	N/A
REMIF Board of Directors	Dianne Thompson	Jone Hayes
Russian River Watershed Association	Mark Landman	Susan Harvey
Solar Sonoma County	Robert Coleman-Senghor	Susan Harvey
Sonoma County Health Action	Susan Harvey	Mark Landman
Sonoma County Landfill Task Force	Susan Harvey	Mark Landman
Sonoma Co. Transportation Authority/Regional Climate Protection Authority (SCTA/RPCA)	Pat Gilardi	Mark Landman
Sonoma Co. Waste Management Agency (SCWMA)	Marsha Sue Lustig	Dianne Thompson
Subregional Wastewater Policy Advisory Comm.	Susan Harvey	Mark Landman
Water Advisory Committee	Mark Landman	Susan Harvey
<u>Mavors' and Councilmembers' Association</u>		

Name of Committee	2010 Member	Alternate
City Selection Committee	Mayor	Vice Mayor
Legislative Liaison	Robert Coleman-Senghor	Janet Orchard
League of California Cities' Voting Delegate	(assigned by meeting)	(assigned by meeting)
County Ag. Preservation/ Open Space District Advisory Committee	Janet Orchard	N/A
Liaisons		
Name of Agency	2009 Member	Alternate
Chamber of Commerce	Janet Orchard	Susan Harvey
Community and Environment Commission	Janet Orchard	
Planning Commission	Susan Harvey	
Design Review Committee	Mark Landman	
Rohnert Park-Cotati Library Advisory Board	Robert Coleman-Senghor	

The Council further agreed to dissolve the Civic Center Museum and Ethics ad hoc committees; Council Protocol ad hoc subcommittee would take up ethics issues as needed.

Mayor Orchard opened the floor to public comment.

George Barich commented on the Ethics ad hoc subcommittee, and on the Brown Act.

Suzanne Whipple commented on the meeting time of the Chamber of Commerce Board meetings.

Andre Morrow commended Councilmember Landman for his work as liaison to the Chamber of Commerce.

Moved by Councilmember Gilardi, seconded by Vice Mayor Harvey and passed unanimously to dissolve the Civic Center Museum and Ethics ad hoc committees, with the Council Protocol ad hoc subcommittee to take up ethics issues as needed, and to assign representatives and liaisons to various committees and commissions for 2011 as noted in the above table.

ADJOURNMENT OF REGULAR MEETING OF THE CITY COUNCIL AND CALL TO ORDER OF JOINT MEETING OF CITY COUNCIL AND COTATI COMMUNITY REDEVELOPMENT AGENCY BOARD OF DIRECTORS

Mayor Orchard adjourned the Regular meeting and called to order the joint meeting at 9:01 p.m. and opened the floor to public comment on the Consent Calendar (Joint Meeting).

CONSENT CALENDAR (JOINT MEETING)

Mayor Orchard opened the floor to public Comment.

None.

Moved by Vice Mayor Harvey seconded by Councilmember Coleman-Senghor and passed unanimously to approve items 8 and 9 on the joint Consent Calendar.

8. WARRANTS AND AUDITED CLAIMS NOVEMBER 25TH, 2010 – DECEMBER 9TH, 2010 (Administrative Services) (Action)

This motion receives and files warrants and audited claims for November 25th, 2010 – December 9th, 2010.

9. MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND ITS EMPLOYEES REPRESENTED BY THE COTATI EMPLOYEES ASSOCIATION (CEA) AND APPROPRIATION OF FUNDS NOT TO EXCEED \$55,654 (Administrative Services) (Action)

This item was continued to a date uncertain.

REGULAR AGENDA (JOINT MEETING)

10. ADOPTION OF RESOLUTION AWARDING GENERAL PLAN UPDATE CONTRACT (Community Development - Planning) (Action)

Acting Community Development Director/Assistant to the City Manager Marsha Sue Lustig introduced the item. She and City Manager Thompson responded to questions from the Council

Discussion ensued as to whether to continue the item.

Moved Councilmember Robert Coleman-Senghor, seconded by Councilmember Mark Landman, to continue this item to the City Council meeting of January 26, 2011

Mayor Orchard opened comment on motion to continue.

No comments.

The motion passed unanimously.

11. RESOLUTION APPROVING A LOAN TO BURBANK HOUSING AND DEVELOPMENT CORPORATION AND AUTHORIZING EXECUTION OF AN OWNER PARTICIPATION AND LOAN AGREEMENT AND RELATED DOCUMENTS (Community Development - Planning) (Action)

This item was pulled from the agenda.

12. APPROVAL OF PHASE 1 OF THE SCULPTURE PROJECT, PLACEMENT OF ATHENA MASK IN DOWNTOWN COTATI (Community Development - Planning) (Action)

Acting Community Development Director/Assistant to the City Manager Marsha Sue Lustig presented the staff report.

Marie Thomas-McNaughton with the Cotati Arts Project summarized the sculpture project and the selection of the 'Athena Mask'.

Peter Crompton, the sculptor of the 'Athena Mask', presented a model rendering of his work.

Andre Morrow, of Cotati Arts Project, described the sculpture base, which would be a permanent installation and would be in honor of the Cotati Historical Society. He noted that the sculpture would be on loan to the City of Cotati for one year, after which another piece would be chosen.

Mr. Morrow responded to questions from the Council regarding the visual aesthetics of the proposed location, the plaques,

Councilmember Landman thanked Peter Crompton and commended Ms. McNaughton.

Mayor Orchard opened the floor to public comment.

George Barich addressed the Council regarding the cost of the proposed project and the Cotati Historical Society's contribution to the City.

Mike Pastryk Spoke in support of the proposed art project.

Mayor Orchard closed the public comment period.

Mr. Morrow responded to questions from the Council to clarify that the funding for the sculpture base has come from individual contributions to honor the Cotati Historical Society.

Discussion ensued regarding the project as an integration of art and history.

Vice Mayor Harvey commended the members of the Arts Project

Moved by Councilmember Landman, seconded by Councilmember Robert Coleman-Senghor and passed unanimously to adopt Resolution No. 2011-03 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI APPROVING A PERMANENT SCULPTURE LOCATION AND PLACEMENT OF ATHENA MASK BETWEEN THE ROSE GARDEN AND THE DOWNTOWN INTERSECTION (THE SCULPTURE PROJECT PHASE 1)

Mayor Orchard called a recess at 9:40 p.m. and reconvened at 9:53 p.m.

13. ECONOMIC DEVELOPMENT PLANNING PROCESS (City Manager) (Action)

City Manager Thompson presented the staff report.

Bev Thompson of De Novo Planning Group summarized the proposed economic development planning process for Cotati and responded to questions from the Council regarding past clients, bringing new business to Cotati and other economic development plans.

Mayor Orchard opened the floor to public comment.

The following individuals commented on the item:

George Barich commented on the use of consultants and economic development

Carlton Hinkle spoke in support of the proposed economic development plan, asked questions regarding various aspects of the proposed plan including measuring the success of the plan.

Max Scheder-Beschin commented on the availability of economic development documents and suggested additions to the plan.

Mike Pastryk commented on the use of stakeholders in the process.

John Moore commented on the various stakeholders and the process of approving an economic development plan.

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

Discussion ensued relative to the inclusion of the various stakeholder groups in economic development planning, the input of the economic development city council subcommittee and its role as liaison between the economic development stakeholder group and the Council, the oversight of the development of the economic development plan, the measurement of success of the plan, the role of the City in implementing the plank whether grant writing would be included in the proposal, the organization of the Cotati Independent Business Group (CIBAG).

Further discussion ensued regarding the need for additional outreach to the community and the desire of the Council to review economic development plans from other agencies and from the De Novo group.

City Manager Thompson responded to questions the economic development planning process.

The Council agreed to continue this item to a future meeting, and directed staff to provide sample economic development plans, and to meet with potential stakeholders to receive their comments about the process.

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

Mayor Orchard adjourned the Joint meeting and called to order the Regular meeting at 11:04 p.m.

CITY COUNCIL REPORTS (*Discussion*)

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

Councilmember Coleman-Senghor reported that the a representative from the City of Rohnert Park Department of Public Safety commended Cotati Police Officer Andrew Lyssand.

ADJOURNMENT

Mayor Orchard adjourned the regular meeting at 11:07 p.m. to continue discussion of closed session items.

Respectfully Submitted,

/s/ Tamara Taylor, Deputy City Clerk