



**MINUTES**  
**REGULAR CITY COUNCIL MEETING, JOINT MEETING OF THE CITY COUNCIL**  
**AND THE BOARD OF DIRECTORS OF THE COTATI COMMUNITY**  
**REDEVELOPMENT AGENCY**  
**WEDNESDAY JANUARY 26, 2011**  
**7:00 PM REGULAR SESSION**  
**City Council Chambers, City Hall, 201 W. Sierra Avenue**

**7:00 PM REGULAR SESSION**

**CALL TO ORDER OF REGULAR CITY COUNCIL MEETING**

Mayor Orchard called the meeting to order at 7:03 p.m.

**ROLL CALL**

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

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

**PLEDGE OF ALLEGIANCE**

**1. APPROVAL OF MINUTES OF THE JANUARY 12, 2010 REGULAR MEETING AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (*Action*)**

**Moved** by Councilmember Robert Coleman-Senghor, seconded by Councilmember Gilardi and passed unanimously to approve the corrected minutes of the January 12, 2011 Regular meeting as corrected (misspelled names corrected).

**ANNOUNCEMENTS**

Cotati residents are encouraged to register at [nixle.com](http://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 Community and Environment Commission, and for an Office Assistant. For more information see the City's website at [ci.cotati.ca.us](http://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 2<sup>nd</sup> 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 City Council and introduced his family and school principal in the audience. Mayor Orchard presented him with a certificate of commendation and a City pin.

## **PRESENTATION**

### **2. COTATI CHAMBER OF COMMERCE SEMI-ANNUAL REPORT**

Andre Morrow and Mike Pastryk of the Cotati Chamber of Commerce provided a report to Council on the Chamber of Commerce's activities over the past year and plans for the coming year, and responded to questions regarding the Economic Development Task Force, lease rates and listings of commercial vacancies.

The City Council commended the Chamber on its activities and requested additional background on the Chamber's Economic Development Initiative.

## **CITY MANAGER'S REPORT**

City Manager Dianne Thompson reported that a presentation of the Capital Improvement Program will be held at 7:00 p.m. on Monday January 31, 2011, and that Chief of Police Michael Parish will be sworn in at a ceremony to take place at 4:00 p.m. on January 28, 2011.

## **APPROVAL OF FINAL AGENDA**

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 on it. He recommended that the City Council add the following item to the closed session agenda:

### **CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION 9 Government Code Section 54956.9(a)**

Wildease, LLC, dba Countryside Mobilehome Park vs. City of Cotati, et. al. (Sonoma County Superior Court Case # SCV 247044)

**Moved** by Councilmember Gilardi, seconded by Vice Mayor Harvey and passed unanimously to add the above closed session item to the agenda due to the fact that it came to the attention of the City after the agenda was posted and there is a need to take immediate action on the item.

City Attorney Rudnansky briefly responded to questions from the Council.

**Moved** by Councilmember Gilardi, seconded by Councilmember Landman and passed unanimously to approve the final agenda with the addition of the above-referenced closed session item.

## **CITIZEN BUSINESS**

George Barich commented on the Chamber of Commerce's report and the use of electronic devices by Councilmembers.

Greg Karraker addressed the Council regarding economic development and the Peet's Coffee development application.

Carlton Hinkle of the Cotati Independent Business Group (CIBAG) discussed his communication regarding economic development that he submitted to the Council.

Mab Maher addressed the Council regarding recent crimes on Valparaiso and past requests for street lights and requested that street lights be installed on Valparaiso. She submitted information from a previous City Council meeting regarding lighting on Valparaiso.

City Councilmembers and staff briefly discussed comments made during Citizen Business.

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

Councilmember Robert Coleman-Senghor requested that discussion of the creation of a committee for City Manager performance criteria, clarification of roles of individuals and the planning and process of the economic development plan, and City Council protocol be scheduled on a future agenda, preferably within 30 days.

Brief discussion ensued regarding whether to place the requested items on an agenda, whether 30 days allows sufficient time to prepare reports, and the process of placing items on the agenda. The Council concurred to place the requested items on a future agenda as soon as feasible, with the discussion of the creation of a committee to review city manager performance criteria to be scheduled within 30 days if possible.

### **REGULAR AGENDA**

#### **3. RECOMMENDATION FOR APPOINTMENTS TO MAYORS' AND COUNCILMEMBERS' ASSOCIATION AND CITY SELECTION COMMITTEES (City Manager) (Action)**

City Manager Dianne Thompson presented the staff report.

Discussion ensued, with the Council in agreement to recommend that Mayor Orchard support appointments as follows:

Bay Area Air Quality Management Board: Susan Gorin of Santa Rosa

Golden Gate Bridge, Highway & Transportation District: The majority of Councilmembers concurred to support the application of Tiffany Renee of Petaluma. Councilmember Gilardi indicated support for Joanne Sanders of Sonoma.

Metropolitan Transportation Commission: Jake Mackenzie of Rohnert Park.

Remote Access Network (RAN) Board: Gina Belforte, Mayor of Rohnert Park.

Airport Land Use Commission: No recommendation due to delay of discussion of this appointment by the City Selection Committee.

Local Agency Formation Commission (LAFCO) (Alternate Member): No recommendation due to delay of discussion of this appointment by the City Selection Committee.

Human Services Commission: Council concurred to support Vice Mayor Harvey for this appointment should nominations be taken from the floor at the Mayors' and Councilmembers' Association meeting.

Association of Bay Area Government (ABAG) Executive Board: Susan Gorin of Santa Rosa

ABAG Regional Planning Committee: Councilmember Landman

North Bay Division, League of California Cities, Executive Board: Katheen Shaffer of Sebastopol

North Coast Railroad Authority Board of Directors: Gus Wolter of Cloverdale

Mayor Orchard opened the floor to public comment.

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

Discussion ensued regarding the possible need for Mayor Orchard to use discretion during the voting process. The Council concurred for the Mayor to support the Council's recommendations as noted above and to use discretion in voting should the need arise.

**Moved** by Councilmember Gilardi seconded by Councilmember Susan Harvey and passed unanimously to support the Council's recommendations as noted above and for the Mayor to use her discretion in voting should the need arise.

Mayor Orchard called a recess at 8:22 p.m. and reconvened the meeting at 8:33 p.m.

**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 8:33 p.m.

**CONSENT CALENDAR (JOINT MEETING)**

Mayor Orchard opened the floor to public comment on the Consent Calendar (Joint Meeting).

George Barich asked for clarification on item 5 (Memorandum of Understanding with the Cotati Employees Association).

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

Council agreed to pull item 5 for discussion at the request of Councilmember Coleman-Senghor.

**Moved** by Councilmember Gilardi seconded by Councilmember Mark Landman and passed unanimously to approve item 4 on the joint Consent Calendar.

**4. WARRANTS AND AUDITED CLAIMS DECEMBER 10<sup>TH</sup>, 2010 – JANUARY 12<sup>TH</sup>, 2011  
(Administrative Services) (Action)**

This motion receives and files warrants and audited claims for December 10<sup>th</sup>, 2010 – January 12<sup>th</sup> 2011.

**5. 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)**

Administrative Services Director Jone Hayes presented the staff report.

Mayor Orchard opened the floor to public comment; there being none, she closed the public comment period.

**Moved** by Councilmember Coleman-Senghor, seconded by Councilmember Gilardy and passed unanimously to adopt Resolution No. 2011-04 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI APPROVING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COTATI AND ITS EMPLOYEES REPRESENTED BY COTATI EMPLOYEES ASSOCIATION (CEA)

**REGULAR AGENDA (JOINT MEETING)**

**6. ADOPTION OF RESOLUTION AWARDED GENERAL PLAN UPDATE CONTRACT (Community Development - Planning) (Action)**

Assistant to the City Manager/Acting Director of Community Development Marsha Sue Lustig presented the staff report. She and City Manager Thompson responded to questions from the Council regarding the General Plan update process, proposed scope of work, proposed budget, the economic vitality element of the General Plan, an economic development plan.

Beth Thompson of the De Novo Planning Group clarified the Economic Development Element of a General Plan.

Mayor Orchard opened the floor to public comment.

Greg Karraker spoke in opposition to spending money on the General Plan.

Kathryn Wickstrom spoke in opposition to spending money on the General Plan.

George Barich addressed the Council to oppose the proposed contract and spoke in support of updating the municipal code.

Yvonne Van Dyke addressed the City Council regarding the cost of the proposed contract.

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

Discussion ensued regarding the fact that the General Plan is a document that is required by state law, the requests for proposal (RFP) process and its relation to redevelopment funds.

Ms. Lustig responded to questions regarding the RFP process, the funding for the project, the statutory requirement for updating the General Plan, the use of the General Plan in the development process and the day-to-day business of running the City, the process of updating the municipal code, and the availability of grant money.

Further discussion ensued regarding the need for an updated General Plan, with the Council concurring in support of the proposal.

**Moved** by Councilmember Robert Coleman-Senghor, seconded by Councilmember Gilardi and passed unanimously to adopt resolution No. 2011-05 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT AWARDDING A CONTRACT TO PREPARE A GENERAL PLAN UPDATE AND ENVIRONMENTAL IMPACT REPORT

Mayor Orchard called a recess at 9:24 p.m. and reconvened the meeting at 9:30 p.m.

**7. PRESENTATION OF GENERAL PLAN UPDATE (Community Development - Planning) (Action)**

Beth Thompson and Ben Ritchie of the De Novo Planning Group presented a report on the General Plan update to the Council and responded to questions from the Council.

Mayor Orchard opened the floor to public comment.

Neil Hancock commented on the General Plan update.

George Barich commented on the General Plan update.

Mayor Orchard closed the public comment period.

Councilmembers responded to the public comments and indicated support for the General Plan update.

**8. DISCUSSION REGARDING GOVERNOR'S PROPOSED CHANGES TO REDEVELOPMENT AGENCIES (City Manager) (Action)**

Assistant to the City Manager/Acting Director of Community Development Marsha Sue Lustig presented the staff report and responded to questions regarding obligating versus encumbering funds.

Discussion ensued relative to the weight that obligating funds would have should the state take away redevelopment funds, projects that the City has invested in that would be funded with redevelopment money, the statements of the Governor to other councilmembers at the recent New Mayors and Councilmembers conference in Sacramento, current City projects involving redevelopment funds including the Old Redwood Highway Rehabilitation project and the fact that grants that have recently been obtained are contingent upon matching redevelopment funds.

Mayor Orchard opened the floor to public comment.

George Barich spoke in opposition to the obligation of redevelopment money by the City.

Kathryn Wickstrom asked whether existing redevelopment funds are enough to finish projects that would be obligated, and commented on other costs that may arise.

Greg Karraker suggested that the Governor be asked to stay the requirement of a General Plan update.

Neil Hancock spoke in support of documenting the City projects that would use redevelopment funds.

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

In response to questions from the Council, City Attorney Rudnansky summarized how cities receive and utilize redevelopment funds, the various ways that some other cities have responded to potential state takeaway of redevelopment money, and confirmed that Redevelopment Agencies are local (not State) agencies.

Discussion ensued and City Manager Thompson responded to questions regarding the amounts of Cotati's redevelopment accounts and the allocation of various City operation costs to the redevelopment fund.

Council concurred to receive the City Manager's report regarding the Governor's proposed changes to Redevelopment Agencies and directed staff to bring back an agreement to pledge Cotati Community Redevelopment Agency funds to certain projects.

## **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 10:47 p.m.

### **CITY COUNCIL REPORTS (*Discussion*)**

None.

## **ADJOURNMENT**

City Attorney Rudnansky announced the closed session

City Attorney Rich Rundansky announced that the Council had added the following closed session item to the agenda due to the fact that it came to the attention of the City after the agenda was posted and there is a need to take immediate action on it:

### **CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION 9 Government Code Section 54956.9(a)**

Wildease, LLC, dba Countryside Mobilehome Park vs. City of Cotati, et. al. (Sonoma County Superior Court Case # SCV 247044)

Mayor Orchard opened the floor to public comment; there being none, she closed the public comment period and adjourned the regular meeting at 10:48 p.m. to closed session.

**REPORT OUT OF CLOSED SESSION**

Nothing to report.

Respectfully Submitted,

/s/ Tamara Taylor, Deputy City Clerk