



**AGENDA**  
**REGULAR CITY COUNCIL MEETING, JOINT MEETING OF THE CITY COUNCIL**  
**AND THE BOARD OF DIRECTORS OF THE COTATI COMMUNITY**  
**REDEVELOPMENT AGENCY**  
**WEDNESDAY MAY 26, 2010, 6:30 PM CLOSED SESSION**  
**7:00 PM REGULAR MEETING**  
**City Council Chambers, City Hall, 201 W. Sierra Avenue**

The Cotati City Council welcomes you to its meetings that are generally 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 meeting agendas, minutes and audio recordings (podcast) are posted on the City's website at [www.ci.cotati.ca.us](http://www.ci.cotati.ca.us)*

*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 the Deputy City Clerk at [ttaylor@ci.cotati.ca.us](mailto:ttaylor@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.

Any writings or documents provided to a majority of the Cotati City Council regarding any item on this agenda will be made available for public inspection in the City Manager's office located at 201 West Sierra Avenue, Cotati, California, during normal business hours.

Disabled Accommodation: Upon request, this agenda will be made available in appropriate formats to persons with disabilities as required by Section 202 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should contact the Deputy City Clerk at (707) 665-3622 at least 48 hours in advance of the meeting.

Waiver Warning: If you challenge decisions/direction of the City Council of the City of Cotati in court, you may be limited to raising only those issues you or someone else raised at public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Cotati at, or prior to, the public hearing(s).

***Those wishing to address the Council are asked to complete a speaker card and give it to the Deputy City Clerk. Please limit discussion to one presentation per individual and keep comments to 3 minutes or as the Mayor directs; when you are called, step to the podium and state your name and address for the record. Persons wishing to address the Council are not required to identify themselves (Gov't. Code § 54953.3); however, this information assists the Mayor by ensuring that all persons wishing to address the Council are recognized and it assists the Deputy City Clerk in preparing the City Council meeting minutes.***

**6:30 PM CLOSED SESSION CALL TO ORDER (CITY COUNCIL CHAMBERS)**

**ADJOURNMENT TO CLOSED SESSION (CITY MANAGER'S OFFICE)**

**CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION (Government Code Section 54956.9(a)) City of Cotati vs. Gilman Ranch, LLC; et. al. (Sonoma County Case # 244542)**

**7:00 PM REGULAR SESSION**

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

## **ROLL CALL**

## **PLEDGE OF ALLEGIANCE**

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

## **ANNOUNCEMENTS**

The Cotati Chamber of Commerce presents the Cotati Farmers Market, which starts June 3<sup>rd</sup> and will run every Thursday through September 16 from 4:30 to 7:30 p.m. in La Plaza Park.

The 30<sup>th</sup> Annual Cotati Jazz Festival & Antiques Show is set for Saturday, June 19<sup>th</sup> starting at 12 noon and continuing until 7:00 p.m. in La Plaza Park and other venues throughout Cotati. For more information, visit [cotatijazz.com](http://cotatijazz.com).

The Piano Project continues through Saturday June 19. Local non-profits, artists and youth have worked together to transform six old upright pianos into one-of-a-kind art pieces that are being displayed around Cotati. The pianos will be played during the Jazz Festival and auctioned off at the Piano Drop picnic on Sunday June 20 at Larsen's Feed & Pet Supply, which is located at the corner of Hwy 116 & Stony Point Road. The Piano Project is presented by the Cotati Arts Project and the Chamber of Commerce.

## **HONORARY MAYOR**

Honorary Mayor Marissa Gilardi of Phoenix High School will provide a report to Council.

## **PRESENTATION**

### **SOLAR IMPLEMENTATION PLAN**

## **CITY MANAGER'S REPORT**

## **APPROVAL OF FINAL AGENDA**

## **CITIZEN BUSINESS**

## **DIRECTION ON FUTURE AGENDA ITEMS**

## CONSENT CALENDAR

**2. AMENDMENT OF COTATI MUNICIPAL 17.34 (LANDSCAPING STANDARDS) TO INCORPORATE WATER EFFICIENT LANDSCAPING STANDARDS (Public Works/Engineering) (Action)**

It is recommended by staff that the Council adopt an ordinance repealing and reenacting Cotati City Code Chapter 17.34 Landscaping Standards, and amending portions of Chapter 17.90 Definitions and the Table of Contents of the City of Cotati Land Use Code.

**3. DECLARE CITY PROPERTY SURPLUS AND DIRECT THAT IT BE DONATED (Administrative Services) (Action)**

It is recommended that the City Council adopt a motion to declare certain City computer equipment as surplus and direct that it be donated to the Computers & Education "Computer Recycling Center", a 501 (c)(3) nonprofit organization.

**4. DESIGNATE A 45 FOOT SECTION OF SANTERO WAY ON THE NORTHEAST SIDE OF THE STREET A NO PARKING AREA AND DIRECT STAFF TO COMPLETE THE APPROPRIATE STREET MARKINGS (Police) (Action)**

It is recommended that the City Council adopt a motion to authorize that a 45 foot section of Santero Way on the northeast side of the street be designated a No Parking zone and that staff be directed to complete the appropriate street markings.

**5. CLEAR ACT – SUPPORTING CARBON LIMITS AND ENERGY FOR AMERICA’S RENEWAL (S.2877) (City Manager) (Action)**

It is recommended that the City Council: 1) adopt a resolution supporting the Carbon Limits and Energy for America’s Renewal (CLEAR) Act (S.2877) and urging the California Air Resources Board to enact rules for AB32 (Global Warming Solutions Act of 2006) that protect households by auctioning permits to fossil fuel importers and producers and returning the majority of revenues; and 2) adopt a motion authorizing the Mayor to send a letter of support.

**6. ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE TWO AGREEMENTS WITH THE STATE BOARD OF EQUALIZATION FOR IMPLEMENTATION OF A LOCAL TRANSACTION AND USE TAX (Administrative Services) (Action)**

It is recommended that the City Council adopt a resolution authorizing the City Manager to execute the following two agreements with the State Board of Equalization for implementation of a local transaction and use tax: 1) Agreement for Preparation to Administer and Operate City’s Transactions and Use Tax Ordinance; and 2) Agreement for State Administration of City Transactions and Use Tax.

## **REGULAR AGENDA**

- 7. APPROVAL FOR THE USE OF LA PLAZA PARK AND BANDSTAND ON SUNDAY JULY 11, 2010 TO FACILITATE A FREE CONCERT CALLED ROCK FOR NO ROCK SPONSORED BY ZONE MUSIC TO RAISE COMMUNITY AWARENESS OF THE ROBLAR ROAD QUARRY PROJECT AND CONSIDERATION OF REQUEST TO WAIVE PARK USE FEES (Police) (Action)**

It is recommended that the City Council adopt a motion to authorize the use of La Plaza Park and Bandstand for a free concert sponsored by Zone Music on Sunday July 11, 2010 to bring community awareness to the Roblar Road Quarry project and to consider request to waive park use fees.

- 8. REVISION TO MAYORS' AND COUNCILMEMBERS' ASSOCIATION BY-LAWS (City Manager) (Action)**

It is recommended that the Council adopt a motion to support revision to the Sonoma County Mayors' and Councilmembers' Association bylaws.

- 9. RECOMMENDATION FOR APPOINTMENT BY MAYORS' AND COUNCILMEMBERS' ASSOCIATION CITY SELECTION COMMITTEE TO LOCAL AGENCY FORMATION COMMISSION (LAFCO) (ALTERNATE POSITION) (City Manager) (Action)**

It is recommended that the Council adopt a motion to support its choice from those Sonoma County Councilmembers who have submitted letters of interest for appointment by the Mayors' and Councilmembers' Association City Selection Committee to Local Agency Formation Commission (LAFCO) (Alternate position).

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

### **CONSENT CALENDAR**

- 10. WARRANTS AND AUDITED CLAIMS (Administrative Services) (Action)**

This motion receives and files warrants and audited claims for April 29th, 2010 – May 12th, 2010.

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

### **CORRESPONDENCE AND PENDING LEGISLATION (Discussion and possible Action)**

**11. REQUEST FROM SONOMA COUNTY TRANSPORTATION AUTHORITY/REGIONAL CLIMATE PROTECTION AUTHORITY (SCTA/RPCA) FOR LETTER OF SUPPORT FOR SB730 (City Manager) (Action)**

**CITY COUNCIL REPORTS (Discussion)**

**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 or before May 21, 2010.

/s/ Tamara Taylor, Deputy City Clerk



**DRAFT**

Subject to approval.



**MINUTES**

**REGULAR CITY COUNCIL MEETING, JOINT MEETING OF THE CITY COUNCIL  
AND THE BOARD OF DIRECTORS OF THE COMMUNITY REDEVELOPMENT**

**AGENCY OF THE CITY OF COTATI**

**WEDNESDAY MAY 12, 2010, 6:30 PM CLOSED SESSION**

**7:00 PM REGULAR MEETING**

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

**6:30 PM CLOSED SESSION CALL TO ORDER (CITY COUNCIL CHAMBERS)**

Mayor Coleman-Senghor called the meeting to order at 6:30 p.m. There being no one wishing to comment, he adjourned to closed session in the City Manager's office.

**ADJOURNMENT TO CLOSED SESSION (CITY MANAGER'S OFFICE)**

**CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)** City Designated Representative: City Manager or designee Employee Organizations: (1) Cotati Employees Association (2) Cotati Police Officers Management Association (3) Cotati Police Officers Association

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION (California Government Code Section 54957)**

Title: City Manager

**7:00 PM REGULAR SESSION**

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

Mayor Coleman-Senghor called the meeting to order at 7:02 p.m.

**ROLL CALL**

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

Staff present: Administrative Services Director 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 Police Chief Robert Stewart, Deputy City Clerk Tamara Taylor, City Manager Dianne Thompson

**PLEDGE OF ALLEGIANCE**

Eduardo Diaz led the pledge of allegiance.

**DRAFT**

Subject to approval.

**1. APPROVAL OF MINUTES OF APRIL 28, 2010 REGULAR MEETING AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (*Action*)**

The Mayor recognized George Barich, who requested a correction to the minutes relative to comments made by Joyce Garcia during Citizen Business.

**Moved** by Councilmember Gilardi, seconded by Vice Mayor Orchard and passed unanimously, to approve the minutes of the April 28, 2010 Regular meetings as submitted.

**ANNOUNCEMENTS**

Redwood Empire Disposal is sponsoring a Cotati Spring Community Cleanup for Cotati residents on Saturday May 15 and Saturday May 22 from 8:00 a.m. to 2:00 p.m. at the Park 'n Ride lot at St. Joseph's Way. See the Cotati event calendar on the web or go to [unicycler.com](http://unicycler.com) for more information.

The 'iGrow 350 Gardens Challenge' weekend takes place on May 15-16. This event is sponsored by the Sonoma County Department of Health Services Health Action. See [igrowsonoma.org](http://igrowsonoma.org) for details.

The Cotati Farmers Market starts June 3<sup>rd</sup> and will run every Thursday through September 16 from 4:30 to 7:30 p.m. in La Plaza Park.

Bike to Work Day is Thursday May 13. Transition Cotati, the Hub Cyclery and Oliver's Market will be hosting Cotati's energizer station.

**HONORARY MAYOR**

Honorary Mayor Marissa Gilardi of Phoenix High School provided a report to Council.

**SONOMA STATE UNIVERSITY REPRESENTATIVE REPORT**

No report.

**CITY MANAGER'S REPORT**

City Manager Dianne Thompson reported the following:

- City of Cotati has submitted a payment of \$1.3 million in redevelopment funds to the State.
- The State budget revision is expected to be announced on May 15.
- The Planning Commission will consider a Massage Therapy ordinance at its next meeting on May 17.
- The Cotati Historical Society Museum is now open with regular hours.

**DRAFT**

Subject to approval.

City Engineer/Director of Public Works provided an update on the Hwy 101 widening project.

### **APPROVAL OF FINAL AGENDA**

City Manager Thompson announced that item 14 (AT&T) has been pulled.

### **CITIZEN BUSINESS**

Emily Straub addressed the Council regarding the SMART train, freight train sound fencing and the condition of the Windmill Farms complex.

Greg Karraker summarized several requests for information regarding the flagpole across the street from the Fire Department, contract with Daily Acts, the status of a policy regarding ethics and the Mayor saluting the flag. He submitted written requests.

George Barich commented on the City Manager's report, the City's finances the length of the agenda and staff assistance with the public's concerns.

Staff briefly responded to questions from the Council regarding comments made during Citizen Business.

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

None.

### **PRESENTATION**

#### **IGROW 350 GARDENS CHALLENGE**

Trathen ? Cotati from Sonoma County Department of Health Services Health Action and Judith Newton of Transition presented information regarding the iGrow 350 Gardens Challenge.

### **CONSENT CALENDAR**

George Barich requested that items 2, 3, 4, 5, 6 and 7 be pulled for discussion regarding the criteria for waiving fees and other concerns that may arise during discussion.

City Attorney Rudnansky clarified the Brown Act regarding citizen comment on consent items.

Mayor Coleman-Senghor announced that he would take comments regarding the consent calendar as a whole rather than each item individually.

Chief of Police Robert Stewart presented the staff report for items 2 through 7.

Mayor Coleman-Senghor opened the floor to public comments.

Gerard Guidice of the Chamber of Commerce spoke in support of items No. 2 (Jazz Festival) and 3 (Farmers Market).

**DRAFT**

Subject to approval.

George Barich commented on economic development in Cotati and the Economic Development Subcommittee.

Monica Diaz spoke in support of Item No. 5 (Iglesia Josue de las Asambleas de Dios Church Festival).

Edwardo Diaz asked how long the license was for item 6 (Medical marijuana).

Police Chief Stewart responded to questions regarding the licensing.

Council concurred in support and commented briefly on economic development

**Moved** by Councilmember Gilardi seconded by Vice Mayor Orchard and passed unanimously to adopt items 2 through 7 on the Consent Calendar.

2. **AUTHORIZATION OF TEMPORARY STREET CLOSURE, AMPLIFIED MUSIC AND SALE OF FOOD AND ALCOHOLIC BEVERAGES IN LA PLAZA PARK ON SATURDAY, JUNE 19, 2010 AND WAIVING OF USE FEES FOR 30TH ANNUAL COTATI JAZZ AND ANTIQUES FESTIVAL (Police) (Action)**

**Resolution No. 2010-15 entitled:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AUTHORIZING THE TEMPORARY STREET CLOSURE OF SPECIFIC STREETS ON SATURDAY JUNE 19, 2010, TO FACILITATE THE 30TH ANNUAL COTATI JAZZ AND ARTS FESTIVAL IN LA PLAZA PARK; AUTHORIZE THE USE OF AMPLIFIED MUSIC AND THE SALES OF ALCOHOLIC BEVERAGES AND WAIVE ALL FEES

3. **AUTHORIZATION OF TEMPORARY STREET CLOSURE, AMPLIFIED MUSIC AND SALE OF FOOD AND ALCOHOLIC BEVERAGES IN LA PLAZA PARK; AND APPROVAL OF PROPOSAL AND WAIVING OF FEES AND SUBSIDIZE COSTS FOR THE COTATI FARMERS MARKET ON THURSDAYS JUNE 3 THROUGH SEPTEMBER 16, 2010 (Police) (Action)**

**Resolution No. 2010-16 entitled:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AUTHORIZING THE TEMPORARY CLOSURE OF LA PLAZA AVENUE BETWEEN W. SIERRA AVENUE AND W. COTATI AVENUE ON THURSDAYS BEGINNING JUNE 3, 2010 AND ENDING ON SEPTEMBER 16, 2010 TO FACILITATE THE COTATI FARMERS MARKET; AUTHORIZE THE USE OF AMPLIFIED MUSIC AND THE SALES OF ALCOHOLIC BEVERAGES AND WAIVE ALL FEES

4. **AUTHORIZE THE USE OF LA PLAZA PARK FOR A BARK FOR LIFE CANINE FUNDRAISING EVENT TO FIGHT CANCER ON SATURDAY MAY 22, 2010 AND FURTHER AUTHORIZE THE USE OF AMPLIFIED MUSIC DURING THE EVENT (Police) (Action)**

**Motion** authorizing the use of La Plaza Park on Saturday May 22, 2010 between the hours of 8:00 a.m. and 3:00 p.m. for a Bark for Life canine fundraising event to fight cancer and further allow the use of amplified music beginning at 10:00 a.m.

**DRAFT**

Subject to approval.

**5. APPROVAL OF THE USE OF LA PLAZA PARK FOR THE IGLESIA JOSUE DE LAS ASAMBLEAS DE DIOS CHURCH TO HOLD A FESTIVAL; AUTHORIZING THE USE OF AMPLIFIED MUSIC AND ANNOUNCING (Police) (Action)**

**Motion** to 1) Approve the use of La Plaza Park and the Bandstand on Saturday, June 12, 2010 between the hours of 8:00 AM and 8:00 PM for the Iglesia Josue de las Asambleas de Dios Church Festival; 2) Authorize amplified announcing and music in La Plaza Park between the hours of 10:00 AM and 6:00 PM; and authorize the temporary closure of four parking spaces to the rear of the Bandstand to serve as an equipment loading and unloading zone.

**6. AUTHORIZATION OF THE RELEASE OF CRIMINAL HISTORY INFORMATION FROM THE STATE DEPARTMENT OF JUSTICE TO THE POLICE DEPARTMENT FOR THE PURPOSES OF EMPLOYMENT, LICENSING AND CERTIFICATION OF MESSAGE OR MEDICAL MARIJUANA ESTABLISHMENTS (Police) (Action)**

**Resolution No. 2010- 17 entitled:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AUTHORIZING CRIMINAL HISTORY INFORMATION RELEASE TO THE POLICE DEPARTMENT FOR THE PURPOSES OF EMPLOYMENT, LICENSING OR CERTIFICATION OF MESSAGE OR MEDICAL MARIJUANA ESTABLISHMENTS

**7. HEALTH ACTION SAFE ROUTES TO SCHOOL AND IGROW 350 GARDENS (City Manager) (Action)**

**Resolution 2010-18 entitled:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SUPPORTING HEALTH ACTION'S SAFE ROUTES TO SCHOOL INITIATIVE

**Resolution No. 2010-19 entitled:** A RESOLUTION OF THE CITY COUNCIL ENDORSING THE GOALS OF HEALTH ACTION AND SUPPORTING THE CITY OF COTATI'S PARTICPATION IN iGROW

**PUBLIC HEARING**

**8. AMENDMENT OF COTATI MUNICIPAL 17.34 (LANDSCAPING STANDARDS) TO INCORPORATE WATER EFFICIENT LANDSCAPING STANDARDS (Public Works/Engineering) (Action)**

Engineering Technician Kevin Fredrickson presented the staff report.

Mayor Coleman-Senghor opened the public hearing.

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

**Moved** by Vice Mayor Orchard, seconded by Councilmember Gilardi and passed unanimously to introduce an ordinance entitled: ORDINANCE OF THE COUNCIL OF THE CITY OF COTATI REPEALING AND REENACTING EXISTING COTATI CITY CODE CHAPTER 17.34 LANDSCAPING STANDARDS, AND AMENDING PORTIONS OF CHAPTER 17.90

**DRAFT**

Subject to approval.

DEFINITIONS AND THE TABLE OF CONTENTS OF THE CITY OF COTATI LAND USE  
CODE

**REGULAR AGENDA**

**9. THE PIANO PROJECT (Community Development) (Action)**

Acting Community Development Director/Assistant to the City Manager Marsha Sue Lustig presented the staff report. She recommended that the conditions of approval include a specific time for the pianos to be secured at night.

Discussion ensued regarding the size and location of the pianos.

Andre Morrow with the Cotati Chamber of Commerce and Cotati Arts Project described the project and responded to questions from the Council.

Discussion ensued regarding when pianos would be closed down for the night. Council concurred on 11:00 p.m. as the time for pianos in front of bars to be secured.

Mayor Coleman-Senghor opened the floor to public comment.

There being no one wishing to speak, Mayor Coleman-Senghor closed the public comment period.

The City Council expressed unanimous support for the project.

**Moved** by Councilmember Gilardi, seconded by Councilmember Landman and passed unanimously to adopt **Resolution No. 2010-20** entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI APPROVING THE PIANO PROJECT

**10. APPROVAL OF USE OF LA PLAZA PARK, AMPLIFIED MUSIC, SALE OF FOOD AND ALCOHOLIC BEVERAGES AND WAIVING OF FEES FOR THE COTATI OKTOBERFEST ON SATURDAY OCTOBER 9, 2010 (Police) (Action)**

Chief of Police Robert Stewart presented the staff report and responded to questions from the Council regarding potential impacts to the Police Department.

Mayor Coleman-Senghor opened the floor to public comment.

There being no one wishing to speak, Mayor Coleman-Senghor closed the public comment period.

Council concurred in support of the proposal.

**Moved** by Vice Mayor Orchard, seconded by Councilmember Gilardi and passed unanimously to approve the use of La Plaza Park between the hours of 7:00 a.m. and 8:00 p.m. on Saturday October 9, 2010, for the Cotati Oktoberfest, including the use of amplified music in La Plaza Park, the sale of food and alcoholic beverages, and the waiving of all use fees.

**DRAFT**

Subject to approval.

**11. GROUNDWATER BANKING FEASIBILITY STUDY (Public Works/Engineering) (Action)**

City Engineer/Director of Community Development Damien O’Bid presented the staff report.

Mayor Coleman-Senghor opened the floor to public comment.

There being no one wishing to speak, Mayor Coleman-Senghor closed the public comment period.

**Moved** by Councilmember Landman seconded by Councilmember Harvey and passed unanimously to authorize the City Manager to execute the Groundwater Banking Feasibility Study Cooperative Agreement with the Sonoma County Water Agency.

**12. CITY OF COTATI WELL 1A / WELL 3 WATER TREATMENT FACILITIES REHABILITATION PROJECT – AUTHORIZE CITY MANAGER TO AWARD AND EXECUTE CONSTRUCTION AGREEMENT (Public Works/Engineering) (Action)**

City Engineer/Director of Public Works Damien O’Bid presented the staff report.

Mayor Coleman-Senghor opened the floor to public comment.

There being no one wishing to speak, Mayor Coleman-Senghor closed the public comment period.

**Moved** by Councilmember Harvey seconded by Councilmember Landman and passed unanimously to adopt **Resolution No. 2010-21** entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI 1) AUTHORIZING AWARD TO THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER; AND 2) AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT AND CONSTRUCTION CHANGE ORDERS PROVIDED THE TOTAL CONSTRUCTION AMOUNT DOES NOT EXCEED \$200,000

**13. AGREEMENT TO UPDATE THE URBAN WATER MANAGEMENT PLAN, THE WATER SYSTEM MASTER PLAN, THE SANITARY SEWER SYSTEM MASTER PLAN, AND CREATION OF GEOGRAPHIC INFORMATION SYSTEM (Public Works/Engineering) (Action)**

City Engineer/Director of Public Works Damien O’Bid presented the staff report.

Mayor Coleman-Senghor opened the floor to public comment.

George Barich requested clarification on the bidding process.

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

Mr. O’Bid summarized the competitive bidding process.

**Moved** by Councilmember Landman seconded by Councilmember Harvey and passed unanimously to authorize the City Manager to execute an agreement with Carollo Engineers, P.C. for the preparation of updates to the Urban Water Management Plan, the Water System Master Plan, the

**DRAFT**

Subject to approval.

Sanitary Sewer System Master Plan, and the creation of a Geographic Information System. Management Plan, the Water System Master Plan, the Sanitary Sewer System Master Plan, and the creation of a Geographic Information System.

**14. DESIGN REVIEW FOR AT&T BROADBAND INFRASTRUCTURE EXPANSION  
(Community Development - Planning) (Action)**

This item was pulled from the agenda.

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

Mayor Coleman-Senghor adjourned the Regular meeting and called to order the joint meeting at 8:59 p.m.

**CONSENT CALENDAR**

**Moved** by Vice Mayor Orchard, seconded by Councilmember Gilardi and passed unanimously to adopt item 15 on the Consent Calendar.

**15. WARRANTS AND AUDITED CLAIMS (Administrative Services) (Action)**

This motion receives and files warrants and audited claims for March 25th, 2010 – April 28th, 2010.

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

Mayor Coleman-Senghor adjourned the Joint meeting and called to order the Regular meeting at 9:00 p.m.

**CORRESPONDENCE AND PENDING LEGISLATION (Discussion and possible Action)**

None.

**CITY COUNCIL REPORTS (Discussion)**

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

**ADJOURNMENT**

Mayor Coleman-Senghor adjourned the meeting at 9:02 p.m. to closed session in the City Manager's office.

Respectfully submitted,

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Tamara Taylor, Deputy City Clerk

## City Council Agenda Consent Agenda

**Subject:** Adoption of Ordinance No. 826 to amend Cotati Municipal 17.34 (Landscaping Standards) to incorporate water efficient landscaping standards

**Date:** May 12, 2010

**Written by:** Kevin Fredrickson, Engineering Technician

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### **Recommendation**

It is recommended that the Council adopt Ordinance No. 826, repealing and reenacting Cotati City Code Chapter 17.34 Landscaping Standards, and amending portions of Chapter 17.90 Definitions and the Table of Contents of the City of Cotati Land Use Code.

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### **Background**

At its Regular meeting on May 12, 2010, the Council introduced this ordinance to repeal and reenact Cotati City Code Chapter 17.34 Landscaping Standards, and amend portions of Chapter 17.90 Definitions and the Table of Contents of the City of Cotati Land Use Code.

### **Analysis/Discussion**

Ordinance No. 826 provides regulations that establish standards to ensure that landscapes are designed, installed, and maintained in a water efficient and water conserving manner.

This ordinance will apply to all new projects that require a landscape submittal and all existing development projects that apply for a building permit, minor use permit, use permit, minor variance, variance, or application for design review for physical alterations and/or a change in use within an existing development if it requires a landscape submittal in accordance with this ordinance.

The new ordinance will not apply to:

- Projects that have a completed application for permits before the adoption of the ordinance, with exceptions to certain projects that that received permits between January 1, 2010 and the date of the adoption of this ordinance.

- Certain new single family construction, new multifamily construction with 4 or less units on a single parcel and the rehabilitation of existing single family and multifamily landscapes that require a building permit
- Registered historical sites
- Ecological restoration or mined-land reclamation projects that do not require permanent irrigation systems.

**Financial Considerations**

None

**Environmental Issues**

None.

Attachments:

1. Ordinance
2. Appendices A, B and C to the Ordinance

ORDINANCE NO. 826

ORDINANCE OF THE COUNCIL OF THE CITY OF COTATI REPEALING AND REENACTING EXISTING COTATI CITY CODE CHAPTER 17.34 LANDSCAPING STANDARDS, AND AMENDING PORTIONS OF CHAPTER 17.90 DEFINITIONS AND THE TABLE OF CONTENTS OF THE CITY OF COTATI LAND USE CODE

THE PEOPLE OF THE CITY OF COTATI DO ENACT AS FOLLOWS:

Section 1.

Chapter 17.34 Landscaping Standards is repealed in its entirety and reenacted as Chapter 17.34 Water Efficient Landscaping Standards to read as follows:

**CHAPTER 17.34  
WATER EFFICIENT LANDSCAPING STANDARDS**

Sections:

- 17.34.010 Purpose.
- 17.34.020 Applicability.
- 17.34.030 Definitions.
- 17.34.040 Landscape and irrigation plans.
- 17.34.050 Landscape location requirements.
- 17.34.060 Landscape standards.
- 17.34.070 Irrigation Standards
- 17.34.080 Documentation for Compliance
- 17.34.090 Alternate Provisions
- 17.34.100 Maintenance of landscape areas.

**17.34.010 Purpose.**

This chapter establishes requirements for landscaping to control soil erosion, conserve water, improve soil quality, enhance the appearance of development projects, screen potentially incompatible land uses, preserve the integrity of neighborhoods, and improve pedestrian and vehicular traffic and safety. Improve ecosystem services, water infiltration, air quality, and reduce heat and glare. In addition, Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use. The provisions of this chapter are intended to protect local water supplies through the implementation of a whole systems approach to design, construction, installation and maintenance of the landscape resulting in water conserving climate appropriate landscapes, improved water quality and the minimization of the loss of water and other natural resources.

Cotati has a Mediterranean climate – hot dry summers and wet winters. Plantings require an establishment period and then become an established landscape. Plant communities have a succession, and as a community can better adapt to low water environments. Wherever possible compatible plant communities should be established.

Cotati drains exclusively to the Laguna de Santa Rosa, which was first listed in 1992 as impaired under the Clean Water Act Section 303(d). Landscaped areas must be properly designed and maintained to eliminate or minimize discharges of sediment, fertilizers, and plant wastes to the storm drain system, which drains to the Laguna de Santa Rosa. Irrigation water must be applied appropriately, avoiding runoff, to minimize discharges of these pollutants.

(Ord. 766 § 2 Exh. A (part), 2004).

### **17.34.020 Applicability.**

Except as otherwise indicated, the provisions of this chapter apply to all land uses as follows:

- A. New Projects. Each new nonresidential, single family residential and multifamily residential project shall provide landscaping in compliance with this chapter, except as shown below.
  1. New single family construction, new multifamily construction with 4 or less units on a single parcel and the rehabilitation of existing single family and multifamily landscapes that require a building permit shall not be required to comply with Sections 17.34.040(C)(2) and 17.34.080(A)(3)(a & b) of this chapter if the landscaping is homeowner-provided and/or homeowner-hired with a total project landscape area less than or equal to 2,500 square feet. The other provisions of this chapter shall apply to these uses.
- B. Existing Development. The approval of a building permit, minor use permit, use permit, minor variance, variance, or application for design review for physical alterations and/or a change in use within an existing development may include conditions of approval requiring compliance with specific landscaping and irrigation requirements of this chapter as determined by the review authority.
- C. This chapter shall not apply to the following:
  1. Registered historical sites;
  2. Ecological restoration or mined-land reclamation projects that do not require permanent irrigation systems.

- D. This Chapter applies to cemeteries, golf courses, parks, playgrounds, schools and sports fields, except that they are exempt from the turf area limit. Turf will be allowed for these uses in all areas where the functional need for turf can be demonstrated. The other provisions of this chapter shall apply to these uses.
- E. Timing of Installation. Required landscape and irrigation improvements shall be installed before final City inspection. The installation of landscaping for a residential project may be deferred for a maximum of ninety days in compliance with Section 17.64.070 (Performance guarantees) of this title

(Ord. 766 § 2 Exh. A (part), 2004).

#### **17.34.030 Definitions.**

Definitions of certain technical terms and phrases used in this chapter are included under "Landscaping standards" in Article 9 (Glossary) of this land use code.

(Ord. 766 § 2 Exh. A (part), 2004).

#### **17.34.040 Landscape and irrigation plans.**

- A. Preliminary Landscape Plan. A preliminary landscape plan shall be submitted as part of each application for new development, or the significant expansion (e.g., twenty-five percent or more of floor area), or redevelopment of an existing use, as determined by the director.
- B. Final Landscape Plan. After planning permit approval, a final landscape plan shall be submitted as part of the application for a building permit. A final landscape plan shall be approved by the review authority before the start of grading or other construction, and before the issuance of a building permit.
- C. Content and Preparation.
  - 1. Required Information. Preliminary landscape plans and final landscape plans shall contain the information required for landscape plans by the department. However, at a minimum, these plans shall include the following information:
    - a. Preliminary Landscape Plans. Location of proposed materials, including the identification of groundcovers, shrubs, and trees, as well as a completed Appendix A, Maximum Applied Water Allowance (MAWA) and a conceptual irrigation design plan or statement which describes irrigation methods and design actions that will be employed to meet the irrigation specifications of this chapter.

b. Final Landscape Plans. Detailed drawings and specifications clearly identifying the name, size, and precise location of all materials, as well as the precise location and technical description of the irrigation system and its individual components. A completed Appendix A, MAWA, and a completed Appendix B, Hydrozone Table. The landscape plan shall be designed to integrate stormwater best management practices (BMPs). Where slopes exceed 10%, a grading plan shall be included that accurately and clearly identifies finished grades, drainage patterns, pad elevations, spot elevations and storm water retention improvements, and mimic the pre-development hydrology as much as practical. The grading design plan shall contain the following statement: "I have complied with the criteria of Chapter 17.34 (Landscaping and Water Efficient Landscaping Standards) of the City of Cotati Municipal Code and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

2. Preparation by Qualified Professional. Each landscape plan submitted in compliance with this chapter shall be prepared by a California licensed landscape architect, licensed landscape contractor, certified nurseryman, or other professional determined by the director to be qualified, based on the requirements of state law.

D. Review and Approval. After initial application, the director shall review each preliminary landscape plan and final landscape plan to verify its compliance with the provisions of this chapter. The design review committee may approve the submittal in compliance with this chapter and Section 17.62.040(E) of this title, or may deny or require changes to a submittal if it is not in compliance.

E. Statement of Surety. When required by the director, security in the form of cash, performance bond, letter of credit, or instrument of credit, in an amount equal to one hundred fifty percent of the total value of all plant materials, irrigation, installation, and maintenance shall be posted with the city for a two-year period from final inspection. The director may require statements of surety for phased development projects, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions) and similar circumstances where it may not be advisable or desirable to install all approved landscaping before occupancy of the site.

F. Changes to Approved Landscape Plans. The director may authorize minor changes to an approved landscape plan in compliance with Section 17.64.090 (Changes to an approved project) of this title.

(Ord. 766 § 2 Exh. A (part), 2004).

**17.34.050 Landscape location requirements.**

Landscaping shall be provided in all areas of a site subject to development with structures, grading, or the removal of natural vegetation, as follows:

A. Setbacks. The setback and open space areas required by this land use code, and easements for utilities and drainage courses shall be landscaped, except where:

1. Occupied by approved structures or paving;
2. They are retained in their natural state, and the review authority determines that landscaping is not necessary to achieve the purposes of this chapter.

B. Unused Areas. Any area of a project site not intended for a specific use, including a commercial pad site intended for future development, shall be landscaped unless retained in its natural state, and the review authority determines that landscaping is not necessary to achieve the purposes of this chapter.

C. Requirements by Zoning District. The minimum area of each site to be landscaped with materials permeable to water shall comply with Table 3-6:

Table 3-6  
Area of Landscaping Required

TABLE INSET:

Land Use Type	Minimum Area of Landscaping Required
Single-family residential	Front yards, side yards, rear yards and all common areas not occupied by decks, patios, walkways or other approved landscape features.
Other residential (duplex and multifamily)	All open areas not occupied by decks, patios, walkways or other approved landscape features.
Commercial	20 percent, except for a reduction approved by the review authority due to parcel size or zero lot line construction, none required in the CD zone
Industrial	20 percent
All others	All the discretion of the review authority

D. Parking Areas. Parking areas shall be landscaped as follows:

1. Landscape Materials. Landscaping shall be provided throughout the parking lot as a combination of groundcover, shrubs, and trees.
2. Curbing. Areas containing plant materials shall be protected in compliance with Section 17.36.090(J) of this title.
3. Perimeter Parking Lot Landscaping. All surface parking areas shall be screened from streets and adjoining properties, and the open areas between the property line and the public street right-of-way shall be landscaped.
  - a. Adjacent to Streets, Where Allowed by Section 17.36.090 or Preexisting Conditions.
    - i. A parking area for a nonresidential use adjoining a public street, where allowed by Section 17.36.090 (Parking design and development standards) of this title shall be designed to provide a landscaped planting strip between the street right-of-way and parking area equal in depth to the setback required by the applicable zoning district or fifteen feet, whichever is more.
    - ii. A parking area for a residential use, except for a single-family dwelling, shall be designed to provide a landscaped planting strip between the street right-of-way and parking area equal in depth to the setback required by the applicable zoning district.
    - iii. The landscaping shall be designed and maintained to screen cars from view from the street to a minimum height of thirty-six inches, but shall not exceed any applicable height limit for landscaping within a setback.
    - iv. Screening materials may include a combination of plant materials, earth berms, solid decorative masonry walls, raised planters, or other screening devices which meet the intent of this requirement.
    - iv. Shade trees shall be provided at a minimum rate of one for every twenty-five linear feet of landscaped area.

vi. Plant materials, signs, or structures within a traffic safety sight area of a driveway shall comply with Section 17.30.040(E) of this title.

b. Adjacent to Side or Rear Property Lines. A parking area for a nonresidential use shall provide a perimeter landscape strip at least eight feet wide (inside dimension) where the parking area adjoins a side or rear property line. The requirement for a landscape strip may be satisfied by a setback or buffer area that is otherwise required to be eight feet or greater. Trees shall be provided within the landscape strip at the rate of one for each twenty-five linear feet of landscaped area.

c. Adjacent to Structures. When a parking area is located adjacent to a nonresidential structure, a minimum eight-foot wide (inside dimension) landscape strip shall be provided adjacent to the structure, exclusive of any building entries, or areas immediately adjacent to the wall of the structure that serve as pedestrian accessways.

d. Adjacent to Residential Use. A parking area for a nonresidential use adjoining a residential use shall provide a landscaped buffer setback with a minimum ten-foot width between the parking area and the common property line bordering the residential use. A solid, continuous decorative masonry wall or fence and landscape buffer shall be provided along the property line, except for approved access points, to address land use compatibility issues (e.g., nuisance noise and light/glare), as determined by the review authority to be necessary. Trees shall be provided at the rate of one for each twenty-five linear feet of landscaped area.

#### 4. Interior Parking Lot Landscaping.

a. Amount of Landscaping. Multifamily, commercial, and industrial uses shall provide landscaping within each outdoor parking area at a minimum ratio of ten percent of the gross area of the parking lot. Trees not less than five feet in height and fifteen-gallon container in size shall be planted throughout the parcel and along any street frontage. Trees shall be planted in parking areas so that fifty percent shading of parking lot pavement is achieved within ten years. Street trees shall shade thirty percent of the street and sidewalk within ten years. At a minimum, one shade tree shall be provided for every five parking spaces.

b. Location of Landscaping. Landscaping shall be evenly dispersed throughout the parking area, as follows:

- i. Orchard-style planting (the placement of trees in uniformly spaced rows) is encouraged for larger parking areas.
- ii. Parking lots with more than fifty spaces shall provide a concentration of landscape elements at primary entrances, including, at a minimum, specimen trees, flowering plants, enhanced paving, and project identification.
- iii. Landscaping shall be located so that pedestrians are not required to cross unpaved landscaped areas to reach building entrances from parked cars. This shall be achieved through proper orientation of the landscaped fingers and islands, and by providing pedestrian access through landscaped areas that would otherwise block direct pedestrian routes.

c. Groundwater Recharge. The design of parking lot landscape areas shall consider, and may, where appropriate, be required to include provisions for the on-site detention of storm water runoff, pollutant cleansing, and groundwater recharge.

E. Subdivisions. A new subdivision shall be designed and constructed to provide landscaping as follows:

1. Residential Subdivisions. A residential subdivision shall be provided landscaping in the form of one street tree for each twenty-five feet of street frontage, in the planter strip or other location approved by the review authority, landscaping with irrigation facilities for any common areas or other open space areas within the subdivision, and any additional landscaping required by the review authority. The species of street trees shall be as required by the review authority, and the plantings shall comply with the city's standard specifications.

2. Nonresidential Subdivisions. Nonresidential subdivisions shall be provided landscaping as required by the review authority.

(Ord. 766 § 2 Exh. A (part), 2004).

### **17.34.060 Landscape standards.**

A. Landscape Design. The required landscape plan shall be designed to integrate all elements of the project (e.g., buildings, parking lots, and streets) to achieve their aesthetic objectives, desirable microclimates, and minimize water and energy demand.

1. Plant Selection and Grouping. Plant materials shall be selected for: low water demand and drought tolerance; use of appropriate native species; adaptability and relationship to the Cotati environment, and the geological and topographical conditions of the site; color, form, and pattern; ability to provide shade; and soil retention capability, in compliance with this chapter.

a. Selected plants shall not cause the Estimated Total Water Use (ETWU) to exceed the Maximum Applied Water Allowance (MAWA) – see calculation in Appendix A.

b. Plants having similar water use shall be grouped together in distinct hydrozones and where irrigation is required the distinct hydrozones shall be irrigated with separate valves.

c. Low and moderate water use plants can be mixed, but the entire hydrozone will be classified as moderate water use for MAWA calculations.

d. High water use plants shall not be mixed with low or moderate water use plants in the same hydrozone

e. All non-turf plants shall be selected, spaced and planted appropriately based upon their adaptability to the climatic, geologic and topographical conditions of the project site.

f. The protection and preservation of native species and natural areas is encouraged, and may be required by conditions of approval.

g. Fire prevention shall be addressed on sites in the rural or highly vegetated areas of the city identified by the fire district as being fire prone by providing fire-resistant landscaping buffers between development areas and naturally vegetated areas, as identified by the review authority.

2. Stormwater Management. Rain gardens, cisterns, and other landscape features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are recommended.

3. Minimum Dimensions. Each area of landscaping that utilizes overhead spray irrigation shall have a minimum interior width of eight feet within the residential, commercial, and industrial zoning districts. Wherever this land use code requires a landscaped area of a specified width, the width shall be measured exclusive of any curb or wall.

4. Height Limits. Landscape materials shall be selected, placed on a site, and maintained to not:

- a. Exceed a maximum height of thirty-six inches within a required traffic safety visibility area (Section 17.30.040(E)), except for trees with the lowest portion of their canopy maintained at a minimum height of eight feet above grade; or
- b. Interfere with the proper operation of solar energy equipment or passive solar design on adjacent parcels.

5. Safety Requirements. Landscape materials shall be located so that at maturity they do not:

- a. Interfere with safe sight distances for vehicular, bicycle, or pedestrian traffic;
- b. Conflict with overhead utility lines, overhead lights, or walkway lights; or
- c. Block pedestrian or bicycle ways.

B. Plant Material. Required landscape plans shall include groundcovers, shrubs, and trees, which shall be selected and installed in compliance with this chapter, and as follows:

1. Size at Time of Planting. Plant materials shall be sized and spaced to achieve immediate effect and shall not be less than a five-gallon container for specimen shrubs, a fifteen-gallon container for trees, and a one-gallon container for mass planting, unless otherwise approved by the review authority.

2. Trees. Tree planting shall comply with the following standards. Existing trees shall be retained and preserved wherever and whenever possible, in compliance with Chapter 17.54 (Tree Preservation and Protection) of this title.

- a. Trees shall not be planted under any structure that may interfere with normal tree growth (e.g., an eave, overhang, balcony, light standard, or other similar structure).
- b. Root barriers shall be provided for trees in landscape planters less than ten feet in width or located five feet or closer to a permanent structure.
- c. Trees shall be staked in compliance with standards provided by the department.
- d. Number of trees:
  - i. Parking area: refer to Section 17.34.050(D) of this chapter.
  - ii. Street trees: one per twenty-five-foot length of right-of-way. The review authority may modify this requirement depending on the chosen tree species and its typical spread at maturity.

3. Groundcover and Shrubs. Landscape areas shall include the following types of plant materials:

- a. Groundcover, shrubs, turf, or other types of plants that are predominantly drought tolerant;
- b. A minimum of two, five-gallon size shrubs shall be provided for every six feet of distance along street frontages, or as approved by the review authority;
- c. Groundcover shall be provided throughout the landscaped area and shall be spaced to achieve full coverage within one year;
- d. Artificial groundcover or shrubs shall not be allowed;
- e. Crushed rock, redwood chips, pebbles, stone, and similar materials shall be allowed up to fifteen percent of the total required landscape area;

f. Nonturf areas (e.g., shrub beds) shall be top dressed with bark chip, mulch, or approved alternative.

4. Turf shall be limited to twenty-five percent of the total landscaped area on the site. All turf shall be a drought-tolerant variety. No turf shall be allowed:

- a. In any area of eight feet or less in width; or
- b. On any slope exceeding ten percent. A swale or level buffer zone of twenty-four (24) inches shall be provided between bermed turf areas and any hardscape (e.g., any street, walkway, or similar feature).
- c. Street medians, traffic islands, planter strips or bulbouts of any size.

C. Water Features. Decorative water features (e.g., fountains, ponds, pools) shall have recirculating water systems. Recycled water shall be used when available onsite.

D. Soil Conditioning and Mulching. A soil test for horticultural suitability shall be required at time of landscape installation in each landscaped area. The soil shall be prepared and/or amended to be suitable for the landscape to be installed, in compliance with this chapter.

1. A minimum one-foot depth of non-mechanically compacted soil shall be available for water absorption and root growth in planted areas.
2. In areas with spray irrigation (as opposed to bubbler or drip irrigation), organic amendment shall be incorporated into the soil to a minimum depth of eight inches at a minimum rate of six cubic yards for each one thousand square feet of landscape area, or as specified by amendment recommendations from a soils laboratory report.
3. A minimum of a three-inch layer of porous mulch shall be applied to all exposed soil surfaces of non turf areas within the landscaped area. Nonporous material (e.g., plastic sheeting), shall not be placed under the mulch; however, porous landscape fabric is allowed.

(Ord. 766 § 2 Exh. A (part), 2004).

#### **17.34.070 Irrigation Standards**

A. Irrigation. For each landscape project subject to this chapter, applicants shall submit an irrigation design plan that is designed and installed to meet irrigation

efficiency criteria as described in Appendix A (MAWA) and in accordance with the following:

1. Equipment Requirements.
  - a. Dedicated irrigation or submeter must be specified
  - b. All landscaped areas shall be irrigated using weather based or other sensor based self-adjusting irrigation controllers. Controllers shall utilize a rain sensor/shut off device and have the ability to revert to historical weather data. Dual or multi-program function controller with separated valves and circuits shall be used when the project contains more than one type of landscape treatment (e.g., turf, groundcover, shrub, tree areas), or a variety of sun exposures.
  - c. Irrigation systems with meters 1 ½” or greater require a high-flow sensor that can detect high flow conditions and have the capabilities to shut off the system.
  - d. Check valves are required where elevation differential may cause low head drainage.
  - e. Pressure regulation and/or booster pumps shall be installed to effect correct operating pressure per manufacturer’s recommendations for each type of irrigation head or drip method.
  - f. Isolation valves (Manual shut-off valves; such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply and before each valve or manifold, to minimize water loss in case of an emergency (such as a main line break) or routine repair.
  - g. Backflow prevention devices shall be required in accordance with City Engineering Standards or applicable State and local requirements, as determined by the City Engineer.
  - h. Point source irrigation is required where plant height at maturity will affect the uniformity of an overhead system.
  - i. Slopes greater than 15% shall be irrigated with point source or other low-volume irrigation technology.
  - j. A single valve shall not irrigate hydrozones that mix high water use plants with moderate or low use plants.

- k. Trees shall be placed on separate valves except when planted in turf areas
  - l. Sprinkler heads, rotors and other emission devices on a valve shall have matched precipitation rates, unless otherwise directed by manufacturer's recommendations
  - m. Head to head coverage is required unless otherwise directed by manufacturer's recommendations.
  - n. Swing joints or other riser protection components are required on all risers.
2. Installation. Irrigation delivery systems shall be installed so that water does not run off or overspray onto adjacent pavement, sidewalks, structures, or other non landscaped areas. Overhead irrigation shall not be permitted within 24" of any continuous hardscape that flows into the curb and gutter. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material.
3. Scheduling of Irrigation. Watering shall be scheduled at times of minimal wind conflict and evaporation loss. Two seasonal water schedules shall be posted at the controller. One schedule shall be designed to address the initial establishment period of the plants and the second schedule shall be designed to address an established landscape.

(Ord. 766 § 2 Exh. A (part), 2004).

**17.34.080 Documentation for Compliance**

- A. The following documentation shall be submitted to the city as part of the requirements of this section:
- 1. Preliminary Landscape Plan. The Preliminary Landscape Plan shall comply with sections 17.34.040 (A.) and 17.34.040 (C.)(1.)(a.) of this chapter.
  - 2. Final Landscape Plan. The Final Landscape Plan shall comply with sections 17.34.040 (B.) and 17.34.040 (C.)(1.)(b.) of this chapter.
  - 3. Completion of Installation. Upon completion of installation of the landscape, the landscape design principal or owner shall submit to the building department a completed Appendix C, the Certificate of Completion, stating that the project has been installed as designed, or with documentation of suitable substitutions.

- a. The certificate must be accompanied by an irrigation audit that contains the following:
  - i. Operating pressure of the irrigation system
  - ii. Distribution uniformity of the overhead irrigation
  - iii. Precipitation rate of overhead irrigation
  - iv. Report of any overspray or broken irrigation equipment
  - v. Backflow certification by a certified inspector, if applicable
  - vi. Irrigation schedule including:
    - (i.) Plant establishment irrigation schedule
    - (ii.) Regular irrigation schedule by month including: plant type, root depth, soil type, slope factor, shade factor, irrigation interval (days per week), irrigation run times, number of start times per irrigation day, gallons per minute for each valve, precipitation rate, distribution uniformity and monthly estimated water use calculations.
- b. An irrigation maintenance schedule timeline must be attached to the certificate of completion that complies with Section 17.34.100 (Maintenance of landscape areas) of this chapter.
- c. A final City inspection shall be performed. An extension of any permit to complete landscape and irrigation installation shall be requested and must be receive approval from the director prior to occupancy.

(Ord. 766 § 2 Exh. A (part), 2004).

**17.34.090 Alternate Provisions.**

A. Alternative Provisions. The review authority:

1. Shall consider and may allow the substitution of design alternatives and innovations that will lead to a greater or equivalent reduction in water consumption than the measures identified in this chapter; and

2. If allowed, accept documentation methods, water allowance determinations, and landscape and irrigation design requirements of the State of California Model Water Efficient Landscape Ordinance in lieu of the requirements of Sections 17.34.040, 17.34.050, 17.34.060 and 17.34.070 of this chapter where it can demonstrated that compliance with the requirements of the state model ordinance will lead to a greater or equivalent reduction in water consumption than the measures identified in this section.

(Ord. 766 § 2 Exh. A (part), 2004).

**17.34.100 Maintenance of landscape areas.**

A. Maintenance Required. All site landscaping shall be maintained in a healthful and thriving condition at all times. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design and the provisions of this chapter. Regular maintenance shall include checking, adjusting, and repairing irrigation equipment; resetting automatic controllers; aerating and dethatching turf areas; adding/replenishing mulch, fertilizer, and soil amendments; pruning; trimming; and weeding all landscaped areas. Regular maintenance programs shall include the trimming of vegetation as necessary to maintain the effective functioning of solar energy facilities and passive solar design features installed both on-site and on adjacent properties.

B. Maintenance Agreement. At the discretion of the director, a Maintenance Agreement may be required. The form and content of the agreement shall be approved by the city attorney and the director.

C. Water Waste Prohibited. Water waste in existing developments resulting from inefficient landscape irrigation leading to excessive runoff, low head drainage, overspray, and other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures is prohibited. Efficient watering practices shall be conducted in compliance with this chapter.

D. Enforcement. Failure to maintain landscape areas in compliance with this section is a nuisance, and shall be subject to abatement in compliance with the municipal code, and/or the applicable land use permit may be revoked.

(Ord. 766 § 2 Exh. A (part), 2004).

Section 2.

Chapter 17.80.020 Definitions of specialized terms and phrases, L. Definitions, "L.", Landscape and Tree Preservation is amended to read as follows:

Landscape and Tree Preservation. The following terms are defined for the purposes of Chapters 17.34 (Landscaping and Water Efficient Landscaping Standards), and 17.54 (Tree Preservation and Protection) of this title:

1. "Backflow Prevention Device" means an approved device installed to City standards which will prevent backflow or back-siphonage into the City potable water system.
2. "Booster Pumps" used where the normal water system pressure is low and needs to be increased.
3. "Check Valve" means a valve located under a sprinkler head or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.
4. "Compost" means the decayed remains of organic matter that has rotted into a natural fertilizer.
5. "Drought-tolerant resistant cool season turf" means cool season grasses that can tolerate drought stress. These grasses usually require high water use irrigation scheduling to stay green and vital, but will survive under limited water (e.g., turf-type tall fescues, Medallion, and Rebel).
6. "Ecological Restoration Project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
7. "Effective Precipitation (Eppt)" means the portion of total precipitation which becomes available for plant growth and that is used by the plants.
8. "Emitter" means a drip irrigation fitting emission device that delivers water slowly from the system to the soil.
9. "Established landscape" means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.
10. "Establishment period of plants" means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment.

11. “ET Adjustment Factor” means a factor that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape.
12. “Evapotranspiration rate” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specific specified time.
13. “Flow Rate” means the rate at which water flows through pipes, and valves and emission devices, measured in (gallons per minute, gallons per hour, or cubic feet per second).
14. “Functional need (for turf)” means turf planting which serves a functional or practical need rather than purely aesthetic purpose. Examples include: athletic fields and pedestrian circulation areas.
15. “Hardscapes” any durable material (pervious and non-pervious).
16. “Head to Head Coverage” means full coverage from one sprinkler head to the next.
17. “High-Flow Sensor” means a device for sensing the rate of fluid flow.
18. “High water use plantings” means turf, annuals, container plantings, and other plants recognized as high water use (e.g., Rhododendrons or Birch) or plants documented as having a plant factor equal to or greater than 0.6 per the Water Use Classification of Landscape Species document (<http://www.owue.water.ca.gov/flocs/wucols00.pdf>), as it currently exists or may be amended in the future.
19. “Hydrozone” means a landscape area having plants with similar water needs. Typically, a hydrozone is served by a valve or set of valves with the same type of irrigation hardware and schedule.
20. “Infiltration” means the process of water entering the soil. When the soil is in good condition or has good soil health, it has stable structure and continuous pores to the surface. This allows water from rainfall to enter unimpeded throughout the rainfall event. A low rate of infiltration is often produced by surface seals resulting from weakened structure and clogged or discontinuous pores.
21. “Infiltration Rate” means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).
22. “Invasive Plant Species” means species of plants not historically found in California and/or that spread outside cultivated areas and can damage

environmental or economic resources as determined by the California Invasive Plant Council ([www.cal-ipc.org](http://www.cal-ipc.org)).

23. "Irrigation circuit" means a section of an irrigation system, including the piping and sprinkler heads or emitters, which is operated by a single remote control valve.

24. "Irrigation Efficiency (IE)" the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this ordinance is 0.71.

25. "Irrigation Meter" means a separate meter that measures the amount of water used for items such as lawns, washing exterior surfaces, washing vehicles, filling pools, etc.

26. "Isolation Valve" means a valve used to isolate a portion of the piping system.

27. "Landscaped Area" means the entire parcel less the building footprint, driveway, hardscapes (e.g., decks, patios, sidewalks, gravel or stone walks and other pervious or non-pervious areas), non-irrigated portions of parking lots and non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation). Water features, such as pools and fountains, utilizing potable water are included in the calculation of the landscaped area.

28. "Lateral Line" means non-pressurized pipe that is located downstream of an irrigation valve (Class 200 or equivalent is not acceptable).

29. "Low-Head Drainage" means water that flows out of the system after the valve turns off due to elevation changes within the system.

30. "Low water use plants" means "Mediterranean Region" and native trees, shrubs and groundcover (such as rosemary), juniper, most native oaks, and other plants which are recognized as drought resistant or low water use when established, or plants documented as having a plant factor less than or equal to 0.6 per the Water Use Classification of Landscape Species document (<http://www.owue.water.ca.gov/flocs/wucols00.pdf>), as it currently exists or maybe amended in the future.

31. "Main Line" means the pressurized pipeline that delivers water from the water source to the valve or outlet (Class 200 or equivalent is not acceptable).

32. "Maximum Applied Water Allowance (MAWA)" means for design purposes, the upper limit of annual applied water for the established landscape.

33. “Microclimate” means a section of a landscaped site with unique climatic conditions that affect the amount of water plants within the area use (e.g., courtyards, tree understory areas, and median islands).
34. “Mined-Land Reclamation Projects” means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.
35. “Moderate water use plants” means ornamental trees, shrubs, ground covers, perennials and other plants recognized as moderate water per the Water Use Classification of Landscape Species document (<http://www.owue.water.ca.gov/does/wucols00.pdf>), as it currently exists or may be amended in the future.
36. “Mulch or Porous Mulch” means any organic material such as leaves, bark, straw, compost or other inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature and preventing soil erosion.
37. “Nonmechanically compacted soil” means soil which has not undergone engineered compaction procedures.
38. “Operating Pressure” means the pressure when water is flowing through the irrigation system.
39. “Organic amendment” means any fully organic material added to the soil to improve soil structure, and other physical properties of the soil (e.g., compost, composted sawdust, peat moss, and redwood soil conditioner).
40. “Overhead Irrigation” means those systems that deliver water through the air (e.g., pop-ups, impulse sprinklers, spray heads, rotors, micro-sprays, etc).
41. “Overspray” means water which is discharged from an overhead irrigation system outside the desired planting area, especially water which wets adjacent hard surfaces (e.g., patios, sidewalks, and streets).
42. “Pervious” means any surface or material that allows the passage of water through the material and into the underlying soil.
43. “Plant communities” means a group of interacting plants.
44. “Plant factor” means a factor that, when multiplied by reference evapotranspiration, ETo, estimates the amount of water used by needed plants. Plant factors cited in this ordinance are derived from the Department of Water

Resources 2000 publication "Water Use Classification of Landscape Species.", as it currently exists or may be amended in the future.

45. "Plant succession" means the replacement of one plant community by another often progressing to a stable community called the climax.

46. "Point of Connection" means the point at which an irrigation system taps into the main water supply line.

47. "Point Source Irrigation" means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

48. "Precipitation Rate" means the rate of application of water measured in inches per hour.

49. "Pressure Regulation" means a valve that automatically reduces the pressure in a pipe.

50. "Project Applicant" means the individual or entity submitting a Landscape Documentation Package, to request a permit, plan check or design review from the City. A project applicant may be the property owner or his or her designee.

51. "Rain Sensor or Rain Shut-Off Device" means a system component which automatically shuts off and suspends the irrigation system when it rains.

52. "Recreational Area" means an area dedicated to active play or recreation such as sports fields, school yards, picnic grounds, or other areas with intense foot traffic, parks, sports fields and golf courses where turf provides a playing surface.

53. "Recycled Water" means tertiary treated water which results from the treatment of wastewater, is suitable for direct beneficial use, and conforms to the definition of disinfected tertiary recycled water in accordance with state law.

54. "Reference Evapotranspiration (ET<sub>o</sub>)" means a standard measurement of environmental parameters which affect the water use of plants and is an estimate of the evapotranspiration of a large field of four to seven-inch tall, cool-season grass that is well watered.

55. "Runoff" means water which is not absorbed by the soil to which it is applied and runs off onto other areas. Runoff usually occurs when water is applied at a rate greater than the infiltration rate of the soil, and is especially problematic on slopes and on heavy clay soils.

56. “Soil quality” means the ability of soils to 1) effectively cycle nutrients, 2) minimize runoff and erosion and maximize water-holding capacity, 3) absorb and filter excess nutrients, sediments, and pollutants, 4) provide a healthy rooting environment and create habitat for diverse plants, animals, and microbes living in and above the soil.

57. “Soils Laboratory Report” means the analysis of a soil sample to determine nutrient content, composition and other characteristics, including contaminants.

58. “Special Landscape Area (SLA)” means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, where turf provides a playing surface.

59. “Sprinkler Head” means a device that delivers water to the landscape through a spray nozzle.

60. “Static Water Pressure” means the pipeline or municipal water supply pressure when water is not flowing.

61. “Station” means an area served by one valve or by a set of valves that operate simultaneously.

62. “Submeter” means a separate meter that is located on the private side of the water system and is plumbed to measure all water that flows only through the irrigation system. This meter is to be use by the owner to monitor irrigation water use and will not be read by the City.

63. “Swing Joint” means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

64. “Valve” means a device used to control the flow of water in the irrigation system.

65. “Valve Manifold” means a one-piece manifold for use in a sprinkler valve assembly that includes an intake pipe having a water inlet and a plurality of ports adapted for fluid connection to inlets.

66. “Water feature” means a design element where open water performs an aesthetic or recreational function, Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area.

67. “Water-saving techniques (to mitigate runoff from slopes) ” mean landscape design techniques which either allows irrigation to be applied at a rate close to the infiltration rate of the soil or which captures and recycles runoff.

68. “Weather Based or Sensor Based Irrigation Control Technology” means a device that uses local weather and landscape conditions to tailor irrigation schedules to actual conditions on the site or historical weather data.

69. “WUCOLS” means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000, as it currently exists or may be amended in the future.

### Section 3.

The Table of Contents of the City of Cotati Land Use Code, under the heading “Chapter 17.34 – Landscaping Standards”, on page 5 is amended to read as follows:

#### Chapter 17.34 – Water Efficient Landscaping Standards

- 17.34.010 Purpose.
- 17.34.020 Applicability.
- 17.34.030 Definitions.
- 17.34.040 Landscape and irrigation plans.
- 17.34.050 Landscape location requirements.
- 17.34.060 Landscape standards.
- 17.34.070 Irrigation Standards
- 17.34.080 Documentation for Compliance
- 17.34.090 Alternate Provisions
- 17.34.100 Maintenance of landscape areas.

#### Section 4. Findings. The Council finds that:

- a. The California Legislature’s adoption of the Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881, Laird) under the California Code of Regulation, Title 23, Waters Division 2, Department of Water Resources requires local agencies to adopt the State updated model efficient landscaping ordinance or their own landscaping ordinance that is at least as effective in conserving water as the updated model ordinance.
- b. Consequently, updating the City’s Landscaping Ordinance in relation to water efficient landscaping is mandated by State Law and provides a basis upon which to further reduce water consumption within the City’s service area.

- c. The adoption of this ordinance is at least as effective as the State updated model ordinance as it allows for a lower water budget and applies to a wider range of projects.
- d. The adoption of this ordinance will conserve the City's water supply and ensure the sustainability and reliability of the City's water supply and prevent waste.

Section 5. Environmental Determination. The Council finds that the adoption and implementation of this ordinance is exempt from the provisions of the California Environmental Quality Act under section 15061(b)(3) because there are no foreseeable impacts.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date. This ordinance shall take effect 30 days following its adoption.

**IT IS HEREBY CERTIFIED** that the foregoing ordinance was duly introduced and legally adopted at a regular meeting of the City Council of the City of Cotati held on the 26<sup>th</sup> day of May, 2010 by the following vote, to wit:

COLEMAN-SENGHOR  
ORCHARD  
GILARDI  
HARVEY  
LANDMAN

Approved: \_\_\_\_\_  
Robert Coleman-Senghor, Mayor

Attest: \_\_\_\_\_  
Tamara Taylor, Deputy City Clerk

Approved as to form:

\_\_\_\_\_  
Richard R. Rudnansky, City Attorney

APPENDIX A (Sheet 1 of 2)  
 MAXIMUM APPLIED WATER ALLOWANCE

The following calculations will help you determine your site specific water budget and establish a planting mix that will allow you to meet your water budget. Your Estimated Total Water Use (ETWU) must be less than your Maximum Applied Water Allowance (MAWA).

1.) **Maximum Applied Water Allowance (MAWA)**

$$MAWA = (ETo - Eppt) (0.62) ( (0.6 \times LA) + (0.4 \times SLA) )$$

Where:

ETo = Annual Net Reference Evapotranspiration (inches)

Eppt = Effective Precipitation (25% of annual rainfall)

0.62 = Conversion Factor (to gallons per square foot)

0.6 = ET Adjustment Factor

LA = Total Landscape Area (square feet) including SLA, if any

0.4 = The additional ET Adjustment Factor for Special Landscape Area (1.0 - 0.6 = 0.4)

SLA = Portion of Landscape Area identified as Special Landscape Area (square feet)

A.) Net Evapotranspiration Calculation (ETo - Eppt)

ETo = 42.0

$$Eppt = 0.25 \times \frac{24}{\text{Annual Rainfall}} = 6$$

$$\text{Net Evapotranspiration} = ETo - Eppt = 36$$

B.) Adjusted Landscape Area

	x	0.6			
(LA)		(Adjustment Factor)		=	

+

	x	0.4			
(SLA)		(Adjustment Factor)		=	

=

$$\text{Sum of Adjusted Landscape Area} = \text{[Result Box]}$$

$$MAWA = (ETo - Eppt) \times 0.62 \times \text{[Sum of Adjusted Landscape Area]} = \text{[Result Box]}$$

2.) **Estimated Total Water Use (ETWU)**

$$ETWU = (ETo - Eppt) (0.62) \left( \frac{PF \times HA}{IE} + SLA \right)$$

Where:

ETo = Annual Net Reference Evapotranspiration (inches)

Eppt = Effective Precipitation (25% of annual rainfall)

0.62 = Conversion Factor (to gallons per square foot)

PF = Plant Factor

HA = Hydrozone Area (square feet)

IE = Irrigation Efficiency (minimum 0.71)

SLA = Portion of Landscape Area identified as Special Landscape Area (square feet)

A.) Net Evapotranspiration (ETo - Eppt) from Part 1. of Appendix A = **36**

B.) Adjusted Landscape Area (See Appendix B) \* - Does not include SLA (if any)

	x	0.3			
*LW Area (Sq. Ft.)		PF		=	
					+
	x	0.6		=	
*MW Area (Sq. Ft.)		PF			+
	x	1.0		=	
*HW Area (Sq. Ft.)		PF			=
Sum of Adjusted Landscape Area				=	

	÷				
PF x HA		IE		=	

Irrigation Efficiency Factor		Percent of Total Landscape Irrigated with Drip	
0-25%		0.71	
26-50%		0.75	
51-75%		0.80	
76-100%		0.85	

	+				
SLA (if any)				=	

ETWU =

	x	0.62	x		
ETo - Eppt				=	

APPENDIX B

HYDROZONE TABLE

This worksheet is filled out by the project applicant and it is a required element of the Landscape Documentation Package. Please complete the hydrozone table(s) for each hydrozone. Use as many tables as necessary to provide the square footage of landscape area per hydrozone.

Hydrozone*	Zone or Valve	Irrigation Method**	Area (Sq. Ft.)	% of Landscape Area
	Total =			100%

Summary Hydrozone Table		
Hydrozone*	Area (Sq. Ft.)	% of Landscape Area
HW		
MW		
LW		
	Total =	100%

\*Hydrozone  
 HW = High Water Use Plants  
 MW = Moderate Water Use Plants  
 LW = Low Water Use Plants

\*\* Irrigation Method  
 MS = Micro-Spray  
 S = Spray  
 R = Rotor  
 B = Bubbler  
 D = Drip  
 O = Other

APPENDIX C  
CERTIFICATE OF COMPLETION

This certificate is filled out by the project applicant, landscape architect and landscape contractor upon completion of the landscape project.

**Part 1. Project Information Sheet**

Date	
Project Name	Project Address
Name of Project Applicant	Telephone No.
	Facsimile No.
Title	Email Address
Company	Street Address
City	State                      Zip Code

**Property Owner or his/her designee:**

Name	Telephone No.
	Facsimile No.
Title	Email Address
Company	Street Address
City	State                      Zip Code

" I/we certify that I/we have received copies of all the documents within the Landscape Documentation Package and that it is our responsibility to see that the project is maintained in accordance with the Landscape and Irrigation Maintenance Schedule."

Property Owner Signature \_\_\_\_\_ Date \_\_\_\_\_  
.....

**Part 2. Landscape Architect and Landscape Contractor/Installer**

Landscape Architect Name	Telephone No.
	Facsimile No.
Title	Email Address
License No. or Certification No.	
Company	Street Address
City	State                      Zip Code

Landscape Contractor/Installer Name	Telephone No.
	Facsimile No.
Title	Email Address
License No. or Certification No.	
Company	Street Address
City	State                      Zip Code

" I/we certify that the work has been completed in accordance with the ordinance and that the landscape planting and irrigation installation conform with the criteria and specifications of the approved Landscape Documentation Package. Additionally, a landscape audit and irrigation maintenance schedule have been completed and are attached to this certificate showing that the system meets the efficiency requirements used in the Maximum Applied Water Allowance calculation."

Landscape Architect Signature \_\_\_\_\_ Date \_\_\_\_\_

Landscape Contractor Signature \_\_\_\_\_ Date \_\_\_\_\_

## City Council Agenda Consent Calendar

**Subject:** Declare City property surplus and direct that it be donated

**Date:** May 26, 2010

**Initiated By:** Jone Hayes, Director of Administrative Services

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### **Recommendation:**

It is recommended that the City Council adopt a motion to declare certain City computer equipment as surplus and direct that it be donated to the Computers & Education "Computer Recycling Center", a 501 (c)(3) nonprofit organization.

### **Background and Summary:**

The City periodically disposes of surplus equipment.

### **Analysis/Discussion:**

Police department computers were replaced using the Byrne Jag formula grant funds, which was part of the ARRA stimulus money awarded to Cotati by the federal government. Remaining computers were purchased on June 19, 2009 in accordance with the FY 08-09 Amended Budget.

Staff is recommending that the computers that were replaced and other non-functional computers and accessories that have been held be donated to the COMPUTERS & Education "Computer Recycling Center", a 501 (c)(3) nonprofit organization. Founded in 1991, it is California's largest continuously operating full-service collection, reuse, and refurbishment program. Their mission is "to promote the highest and best re-use of computer and electronic equipment, and recycle unusable items to keep them out of landfills". Reuse of entire units is given highest priority, followed by disassembly for reuse of parts, and finally recycling for the elements of unusable remaining items. Additionally, COMPUTERS & Education has an effective computer re-use program, which provides refurbished computers to public schools and community nonprofits and acts as a training program for volunteers and students. They have also partnered with the Employment Development Department to provide training. The donation will have no associated costs and 'destruction certificates' for the hard drives will be provided. The destruction certificate documents that all information has been permanently erased from a computer's hard drive.

Staff believes that this is the most cost effective and beneficial disposal approach. Neither the staff nor our consultant will need to spend time setting up the systems or remove the hard drive data. Also, COMPUTERS & Education's test the equipment to ensure functionality and often re-install the operating system prior to distributing.

**Financial Considerations:**

There are no costs associated with this donation.

**Environmental Issues:**

Computer monitors and other equipment will be recycled and not added to landfill.

Attachments:

1. Attachment 'A' (surplus property list)

Attachment "A"

<b>Mfg</b>	<b>Model</b>	<b>Serial #</b>	<b>Description</b>
Dell	GX270	2DQXH31	CPU
Dell	GX150	FZXJP01	CPU
Dell	GX150	4Z73K01	CPU
Dell	GX240	CW3LH11	CPU
Dell	GX150	CQ3BT01	CPU
Dell	GX270	CDQXH31	CPU
Dell	GX270	DCQXH31	CPU
Dell	GX150	GQ5Z011	CPU
Dell	GX270	3DQXH31	CPU
Dell	GX520	D5TJPB1	CPU
Dell	GX150	1R5ZO11	CPU
Dell	GX520	85TJPB1	CPU
Dell	GX150	HQ5Z011	CPU
Dell	GX150	FQ3BT01	CPU
Dell	GX150	DQ3BT01	CPU
Dell	GX150	7XDBT01	CPU
Dell	GX400	8MLHL11	CPU
Dell	GX400	8LLHL11	CPU
Dell	GX400	1KLHL11	CPU
Dell	GX400	DMLHL11	CPU
Dell	GX360	J5GZ4J1	CPU
Dell	GX360	J5HD5J1	CPU
Dell	GX360	J5H35J1	CPU
Dell	GX360	J56BTJ1	CPU
Dell	GX360	J5HD4J1	CPU
Dell	GX360	J5HG4J1	CPU
Dell	GX280	CHSP561	CPU
Dell	GX270	1CFS351	CPU
Dell	GX270	1TN6F41	CPU
Dell	GX270	CJFS351	CPU
Dell	GX270	5TN6F41	CPU
DTK	TOP-5A	N9810E00241	Laptop



## City Council Agenda Consent Calendar

**Subject:** Designate a 45 Foot Section of Santero Way on the Northeast Side of the Street a No Parking Area and Direct Staff to Complete the Appropriate Street Markings

**Date:** May 26, 2010

**Written by:** Robert Stewart, Chief of Police

---

### **Recommendation**

It is recommended that the Council adopt a motion to authorize a 45 foot section of Santero Way on the northeast side of the street be designated a No Parking zone and that staff be directed to complete the appropriate street markings.

---

### **Background**

The Santero Way Homeowners Association has requested that a portion of an existing curb parking area be designated a no parking zone to increase safety.

### **Analysis/Discussion**

The City received a letter from the Santero Way Homeowners Association dated March 5, 2010 in which they are asking for assistance in addressing traffic safety concerns. The issues are as follows:

- 1) An existing curb parking area on the northeast side of the street is causing a blind spot in the road for motorists. There is a request to paint a section of the curb red and designate it as a no parking zone.
- 2) There is an issue with speeding cars on Santero Way. They are requesting speed bumps and or a driver feedback sign that displays speeds
- 3) They are inquiring if traffic signals will be installed on Santero Way and E. Cotati Ave.

Staff has completed a site visit of Santero Way and found that the parking area in question does create a vision impediment to motorists. To maximize safety in this area staff is recommending that a 45 foot area be designated a no parking zone and that the curb be painted red. This area is shown on the attached photo. As far as the other concerns that were raised, the police department continues to provide speed monitoring on this street and citations are issued when appropriate.

The request for speed bumps or speed display signs is not recommended due to costs associated with these items and there is no collision history that would warrant such an expenditure. The signalization of E. Cotati and Santero Way is a capital improvement project that may be completed when the rail station is built or when the Santero Master Plan is implemented.

### **Financial Considerations**

The painting of 45 feet of curb is estimated as follows:

Materials: \$50.00

Staff: One hour - Maintenance Worker II \$ 42.00

This project will be performed during regular business hours, costs included as general street maintenance in the General Fund budget, department 403 .

### **Environmental Issues**

None

Attachments:

1. Letter from Homeowners Association
2. Photo of street area to be painted red

# SANTERO WAY HOMEOWNERS ASSOCIATION

c/o The Bridgeport Company • One Annabel Lane, Suite 217 • San Ramon, CA 94583 • T: 925-824-2888 • F: 925-355-1615

March 5, 2010

Chief Robert Stewart  
City of Cotati Police Department  
203 West Sierra Avenue  
Cotati, CA 94931

**RE: TRAFFIC ON SANTERO WAY**

Dear Chief Stewart:

We, the Board of Directors of Santero Way Homeowners Association, work diligently within our community to maintain and preserve the values of our property, while maintaining a safe and pleasurable place to live. With that said, we would like to request your review and assistance on the following areas of concern:

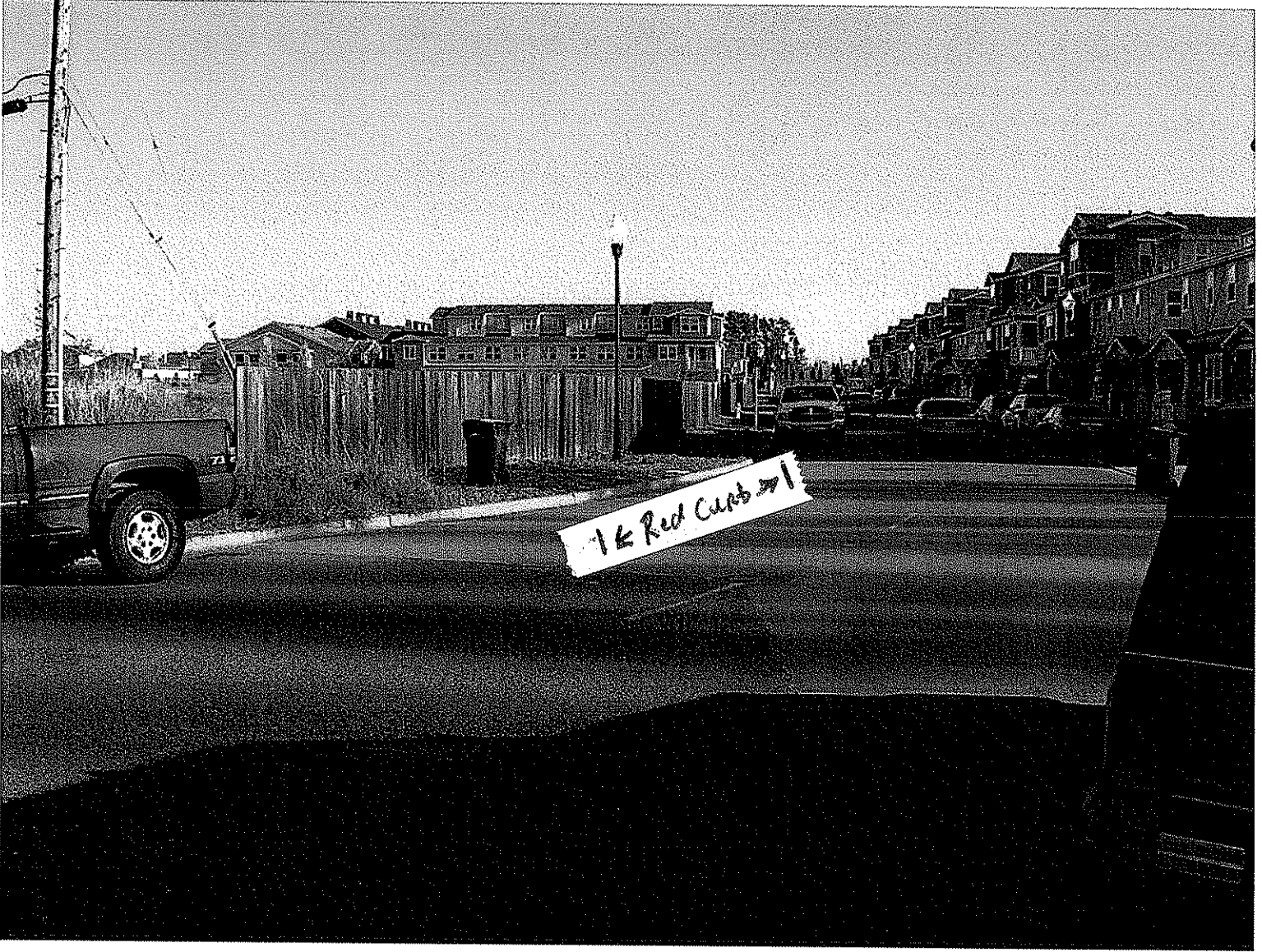
- **Curb north of the "No Overnight Parking..." sign on the northeast Santero Way.**  
Residents park their vehicles behind the sign at the curve in the road. This creates a blind area when entering and exiting the property. Residents complain of lack of visibility and of near collisions as vehicles proceed around the curve particularly at night.  
**Possible Solution – Move sign further north and extend no parking along that area of curb.**
- **Speeding on Santero Way.**  
Drivers speed down Santero Way with no regard for safety of the residents, children, and pets. There has been an increase of complaints to the Board of Directors from Homeowners witnessing the excessive speeding.  
**Possible Solutions: Install speed bumps or a solar powered driver feedback sign. Have a Police Officer spend an hour a week citing speeding vehicles.**
- **Intersection at E. Cotati and Santero Way.**  
Exiting Santero Way, traveling West on East Cotati is particularly difficult. Is the City of Cotati considering the installation of the four way stop light?

We are willing to do whatever necessary to alleviate these issues with the City of Cotati's approval. Should we need to address our concerns and appropriate remediation with other departments within the City of Cotati, please advise us. A Board Member would be happy to meet with a City Representative or attend a City Council meeting. Please provide your recommendation at your earliest convenience.

Please mail your reply to our Association Manager, Karla Roeseler, at the address above or you may contact her at 925.824.2888. She will forward all correspondence as we direct or make necessary meeting arrangements. Thank you for your assistance in this matter.

Sincerely,  
Mary Johnston, Homeowner and Board President  
Eric Shiffman, Homeowner and Board Director  
Tony Yarish, Homeowner and Board Director

cc: Dianne Thompson, City Manager  
Marsha Su Lustig, Acting Community Development Director



# City Council Agenda Consent Calendar

**Subject:** Clear Act – Supporting Carbon Limits and Energy for America’s Renewal (S.2877)

**Date:** May 26, 2010

**Written by:** Dianne Thompson, City Manager

---

## **Recommendation**

It is recommended that the City Council: 1) adopt a resolution supporting the Carbon Limits and Energy for America’s Renewal (CLEAR) Act (S.2877) and urging the California Air Resources Board to enact rules for AB32 (Global Warming Solutions Act of 2006) that protect households by auctioning permits to fossil fuel importers and producers and returning the majority of revenues; and 2) adopt a motion authorizing the Mayor to send a letter of support.

---

## **Background**

In December 2009, Senator Cantwell introduced the CLEAR Act which would cap the emissions of greenhouse gases in 2012 by requiring oil, coal and natural gas companies to purchase monthly permits that would allow them to sell their fuels. Seventy-five percent of the money from the permits would be returned to the public every month in the form of a dividend check and the remainder would go towards renewable energy studies and conservation programs. (This is called “cap and dividend”),

## **Analysis/Discussion**

Under this proposal, consumers will receive an annual rebate check for about \$1100. Once the additional cost of the fuel is deducted it is estimated that the consumer will still be ahead by at least \$100 per year. Proponents believe that by driving up the cost of fossil fuel and making renewables more competitive, it will cause the emissions to decline. Opponents are worried that the new bill could potentially thwart innovation. Congressmembers Thompson and Woolsey are co-sponsors of a similar bill in the House.

## **Financial Considerations**

None.

## **Environmental Issues**

None.

Attachments:  
Proposed resolution  
Draft letter

DT:tl

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI IN SUPPORT OF THE CLEAR ACT AND ENCOURAGING THE CALIFORNIA AIR RESOURCES BOARD TO ENACT RULES FOR AB32 IMPLEMENTATION**

**WHEREAS**, the Intergovernmental Panel on Climate Change has found that "warming of the climate system is unequivocal," and that "most of the observed increase in global average temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic greenhouse gas concentrations"; and

**WHEREAS**, the estimated costs to society of inaction on climate change are significant, and may include increases in extreme weather events, disruptions to agriculture, sea level rise, water scarcity, and more; and

**WHEREAS**, California's economy is particularly well-positioned to benefit from innovations in low carbon and clean technologies, cost savings from energy efficiency, increased use of renewable energy, and the green jobs that result from such innovation; and

**WHEREAS**, the State of California's Global Warming Solutions Act of 2006 (AB32) sets goals to reduce statewide greenhouse gas emissions back to 1990 levels by 2020; and

**WHEREAS**, the California Economic and Allocations Advisory Committee released a report in January 2010 that recommends limiting greenhouse gas emissions by auctioning a declining number of emissions permits to fossil fuel importers and producers, and returning "roughly 75 percent of allowance value" back to households; and

**WHEREAS**, 164 cities in California as members of ICLEI-Local Governments for Sustainability, have pledged to quantify and reduce their greenhouse gas emissions, and set local emission reduction targets; and

**WHEREAS**, Senators Maria Cantwell (D-WA) and Susan Collins (R-ME) have introduced the Carbon Limits and Energy for American Renewal (CLEAR) Act into the U.S. Senate, which sets a cap on overall emissions, auctions permits to fossil fuel importers, and returns 75 percent of revenues back to households as a cash dividend.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Cotati encourages the California Air Resources Board to enact rules for AB32 implementation that protect households by auctioning permits to fossil fuel importers and producers and returning the majority of revenues back to households; and urges the U.S. Senate, and California's Senators in particular, to pass the CLEAR Act.

**AND BE IT FURTHER RESOLVED**, that copies of this resolution be delivered to the ARB, and to Senators Boxer and Feinstein.

**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 26th day of May, 2010 by the following vote, to wit:

COLEMAN-SENGHOR \_\_\_\_\_  
GILARDI \_\_\_\_\_  
HARVEY \_\_\_\_\_  
LANDMAN \_\_\_\_\_  
ORCHARD \_\_\_\_\_

Approved: \_\_\_\_\_  
Robert Coleman-Senghor, Mayor

Attest: \_\_\_\_\_  
Tamara Taylor, Deputy City Clerk

DRAFT

May 27, 2010

Senator Barbara Boxer

via email: [megan\\_miller@boxer.senate.gov](mailto:megan_miller@boxer.senate.gov)

Senator Dianne Feinstein

via email: [joseph\\_leveroni@feinstein.senate.gov](mailto:joseph_leveroni@feinstein.senate.gov)

Mary Nichols, Chair of the California Air Resources Board

via email: [mnichols@arb.ca.gov](mailto:mnichols@arb.ca.gov)

Dear Senator Boxer, Senator Feinstein, and Chair Nichols,

On behalf of the Cotati City Council, I am writing to inform you that our city passed a resolution on May 26, 2010 which called on me, as Mayor, to urge Senators Boxer and Feinstein to support and co-sponsor the Carbon Limits and Energy for American Renewal (CLEAR) Act, recently introduced by Senators Maria Cantwell (D-WA) and Susan Collins (R-ME).

The CLEAR Act auctions permits to fuel producers and returns 75% of the resulting revenue in checks to every American. With its "cap and dividend" approach, this bill would help the U.S. make a fair, affordable transition to a clean-energy, low-carbon economy.

The resolution also encourages the California Air Resources Board to enact rules for AB32 implementation that protect households by auctioning permits to fossil fuel importers and producers and returning the majority of revenues back to households. Such a rule would follow the recommendations of the California Economic and Allocations Advisory Committee, which called for auctioning a declining number of emissions permits to fossil fuel importers and producers, and returning "roughly 75 percent of allowance value" back to households.

Thank you for your efforts to protect the climate.

Robert Coleman-Senghor  
Mayor

Encl: Resolution No. \_\_\_\_\_

c: Cotati City Council via email  
Mike Sandler, Climate Protection Campaign ([mike@climateprotection.org](mailto:mike@climateprotection.org))

## City Council Consent Calendar

**Subject:** Adoption of a resolution Authorizing the City Manager to Execute Two Agreements with the State Board of Equalization for Implementation of a Local Transaction and Use Tax

**Date:** May 26, 2010

**Writttn By:** Jone Hayes, Director of Administrative Services

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### **RECOMMENDATIONS:**

It is recommended that the City Council adopt a resolution authorizing the City Manager to execute the following two agreements with the State Board of Equalization for implementation of a local transaction and use tax: 1) Agreement for Preparation to Administer and Operate City's Transactions and Use Tax Ordinance; and 2) Agreement for State Administration of City Transactions and Use Tax

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### **Discussion:**

On April 13, 2010 Cotati voters approved a ½ percent transaction and use tax on retail sales within the City.

On April 28, The City Council adopted Ordinance on No. 825 adding Chapter 3.05 to the Municipal Code to provide for this new tax.

The State Board of Equalization (BOE) administers and collects the transaction and use taxes for all applicable jurisdictions within the state. To facilitate this process the BOE has developed two uniform agreements that it requires jurisdictions imposing these taxes to execute.

The first agreement provides for the reimbursement to the BOE for its expenses in preparing for the collection of the City's tax before it goes into effect. The City will pay the BOE an amount not to exceed \$175,000 for the services provided under this agreement. The actual cost will be based on Board of Equalization staff time, the staff time of other state agencies impacted (such as Department of Motor Vehicles) and the printing and postage cost to notify taxpayers in the geographical area of the new Special Taxing Jurisdiction (STJ). The notification is sent to all taxpayers within the county and sometimes to adjacent counties as well. Typically when a new STJ is approved there are a number of other new STJs approved at the same time which results in lower preparatory charges for each STJ due to the sharing of the implementation costs. However, since Cotati is the only new STJ with an effective date of October 1, 2010, the entire implementation cost will be incurred by the City.

The BOE has stated that it is difficult to estimate the implementation cost for a single new STJ. Recently, two new city STJs were added with the same effective date. In that case, the total implementation cost was \$77,000. One city was charged \$23,000 and the other \$54,000. The difference was due to the number of countywide notifications mailed to each city. Based on this information, it is estimated the preparatory cost for the City of Cotati will be \$50,000 - \$75,000. The preparatory cost is billed directly to the new STJ.

The second agreement is for the payment to the BOE for its ongoing collection and administration of the City's tax. The on-going administrative charges will be deducted from revenue received. For 2010-11, the administrative cost for a special jurisdiction with a 1/2 cent tax is estimated to be 1.2% of revenue, or \$5,400.

### **Financial Considerations**

Estimated BOE transaction and use tax preparatory cost (one-time) for the City of Cotati will be \$50,000 - \$75,000.

Annual administrative cost of 1.2% of revenue, estimate at \$5,400 for FY 10-11.

#### Attachments:

- Agreement for Preparation to Administer and Operate City's Transactions and Use Tax Ordinance
- Agreement for State Administration of City Transactions and Use Tax

**AGREEMENT FOR PREPARATION TO ADMINISTER AND OPERATE  
CITY'S TRANSACTIONS AND USE TAX ORDINANCE**

In order to prepare to administer a transactions and use tax ordinance adopted in accordance with the provision of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, the City of \_\_\_\_\_, hereinafter called *City*, and the STATE BOARD OF EQUALIZATION, hereinafter called *Board*, do agree as follows:

1. The Board agrees to enter into work to prepare to administer and operate a transactions and use tax in conformity with Part 1.6 of Division 2 of the Revenue and Taxation Code which has been approved by a majority of the electors of the City and whose ordinance has been adopted by the City.

2. City agrees to pay to the Board at the times and in the amounts hereinafter specified all of the Board's costs for preparatory work necessary to administer the City's transactions and use tax ordinance. The Board's costs for preparatory work include costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing forms, developing instructions for the Board's staff and for taxpayers, and other appropriate and necessary preparatory costs to administer a transactions and use tax ordinance. These costs shall include both direct and indirect costs as specified in Section 11256 of the Government Code.

3. Preparatory costs may be accounted for in a manner which conforms to the internal accounting and personnel records currently maintained by the Board. The billings for costs may be presented in summary form. Detailed records of preparatory costs will be retained for audit and verification by the City.

4. Any dispute as to the amount of preparatory costs incurred by the Board shall be referred to the State Director of Finance for resolution, and the Director's decision shall be final.

5. Preparatory costs incurred by the Board shall be billed by the Board periodically, with the final billing within a reasonable time after the operative date of the ordinance. City shall pay to the Board the amount of such costs on or before the last day of the next succeeding month following the month when the billing is received.

6. The amount to be paid by City for the Board's preparatory costs shall not exceed one hundred seventy-five thousand dollars (\$175,000) (Revenue and Taxation Code Section 7272.)

7. Communications and notices may be sent by first class United States mail. Communications and notices to be sent to the Board shall be addressed to:

STATE BOARD OF EQUALIZATION  
P. O. BOX 942879  
SACRAMENTO, CALIFORNIA 94279-0073  
ATTENTION: EXECUTIVE DIRECTOR

Communications and notices to be sent to City shall be addressed to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. The date of this agreement is the date on which it is approved by the Department of General Services. This agreement shall continue in effect until the preparatory work necessary to administer City's transactions and use tax ordinance has been completed and the Board has received all payments due from City under the terms of this agreement.

CITY OF \_\_\_\_\_

STATE BOARD OF EQUALIZATION

By \_\_\_\_\_  
(Signature)

By \_\_\_\_\_  
(Executive Director)

\_\_\_\_\_  
(Typed Name)

\_\_\_\_\_  
(Title)

(Rev. 11/02)

**AGREEMENT FOR STATE ADMINISTRATION  
OF CITY TRANSACTIONS AND USE TAXES**

The City Council of the City of \_\_\_\_\_ has adopted, and the voters of the City of \_\_\_\_\_ (hereafter called "City" or "District") have approved by the required majority vote, the City of \_\_\_\_\_ Transactions and Use Tax Ordinance (hereafter called "Ordinance"), a copy of which is attached hereto. To carry out the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code and the Ordinance, the State Board of Equalization, (hereinafter called the "Board") and the City do agree as follows:

**ARTICLE I  
DEFINITIONS**

Unless the context requires otherwise, wherever the following terms appear in the Agreement, they shall be interpreted to mean the following:

1. "District taxes" shall mean the transactions and use taxes, penalties, and interest imposed under an ordinance specifically authorized by Revenue and Taxation code Section 7285.9, and in compliance with Part 1.6, Division 2 of the Revenue and Taxation Code.
2. "City Ordinance" shall mean the City's Transactions and Use Tax Ordinance referred to above and attached hereto, Ordinance No. \_\_\_\_\_, as amended from time to time, or as deemed to be amended from time to time pursuant to Revenue and Taxation Code Section 7262.2.

**ARTICLE II  
ADMINISTRATION AND COLLECTION  
OF CITY TAXES**

**A. Administration.** The Board and City agree that the Board shall perform exclusively all functions incident to the administration and operation of the City Ordinance.

**B. Other Applicable Laws.** City agrees that all provisions of law applicable to the administration and operation of the State Sales and Use Tax Law which are not inconsistent with Part 1.6 of Division 2 of the Revenue and Taxation Code shall be applicable to the administration and operation of the City Ordinance. City agrees that money collected pursuant to the City Ordinance may be deposited into the State Treasury to the credit of the Retail Sales Tax Fund and may be drawn from that Fund for any authorized purpose, including making refunds, compensating and reimbursing the Board pursuant to Article IV of this Agreement, and transmitting to City the amount to which City is entitled.

**C. Transmittal of money.**

1. For the period during which the tax is in effect, and except as otherwise provided herein, all district taxes collected under the provisions of the City Ordinance shall be transmitted to City periodically as promptly as feasible, but not less often than twice in each calendar quarter.

2. For periods subsequent to the expiration date of the tax whether by City's self-imposed limits or by final judgment of any court of the State of California holding that City's ordinance is invalid or void, all district taxes collected under the provisions of the City Ordinance shall be transmitted to City not less than once in each calendar quarter.

3. Transmittals may be made by mail or electronic funds transfer to an account of the City designated and authorized by the City. A statement shall be furnished at least quarterly indicating the amounts withheld pursuant to Article IV of this Agreement.

**D. Rules.** The Board shall prescribe and adopt such rules and regulations as in its judgment are necessary or desirable for the administration and operation of the City Ordinance and the distribution of the district taxes collected thereunder.

**E. Preference.** Unless the payor instructs otherwise, and except as otherwise provided in this Agreement, the Board shall give no preference in applying money received for state sales and use taxes, state-administered local sales and use taxes, and district transactions and use taxes owed by a taxpayer, but shall apply moneys collected to the satisfaction of the claims of the State, cities, counties, cities and counties, redevelopment agencies, other districts, and City as their interests appear.

**F. Security.** The Board agrees that any security which it hereafter requires to be furnished by taxpayers under the State Sales and Use Tax Law will be upon such terms that it also will be available for the payment of the claims of City for district taxes owing to it as its interest appears. The Board shall not be required to change the terms of any security now held by it, and City shall not participate in any security now held by the Board.

**G. Records of the Board.**

When requested by resolution of the legislative body of the City under section 7056 of the Revenue and Taxation Code, the Board agrees to permit authorized personnel of the City to examine the records of the Board, including the name, address, and account number of each seller holding a seller's permit with a registered business location in the City, pertaining to the ascertainment of transactions and use taxes collected for the City. Information obtained by the City from examination of the Board's records shall be used by the City only for purposes related to the collection of transactions and use taxes by the Board pursuant to this Agreement.

**H. Annexation.** City agrees that the Board shall not be required to give effect to an annexation, for the purpose of collecting, allocating, and distributing District transactions and use taxes, earlier than the first day of the calendar quarter which commences not less than two months after notice to the Board. The notice shall include the name of the county or counties annexed to the extended City boundary. In the event the City shall annex an area, the boundaries of which are not coterminous with a county or counties, the notice shall include a description of the area annexed and two maps of the City showing the area annexed and the location address of the property nearest to the extended City boundary on each side of every street or road crossing the boundary.

**ARTICLE III**  
**ALLOCATION OF TAX**

**A. Allocation.** In the administration of the Board's contracts with all districts that impose transactions and use taxes imposed under ordinances, which comply with Part 1.6 of Division 2 of the Revenue and Taxation Code:

1. Any payment not identified as being in payment of liability owing to a designated district or districts may be apportioned among the districts as their interest appear, or, in the discretion of the Board, to all districts with which the Board has contracted using ratios reflected by the distribution of district taxes collected from all taxpayers.

2. All district taxes collected as a result of determinations or billings made by the Board, and all amounts refunded or credited may be distributed or charged to the respective districts in the same ratio as the taxpayer's self-declared district taxes for the period for which the determination, billing, refund or credit applies.

**B. Vehicles, Vessels, and Aircraft.** For the purpose of allocating use tax with respect to vehicles, vessels, or aircraft, the address of the registered owner appearing on the application for registration or on the certificate of ownership may be used by the Board in determining the place of use.

#### **ARTICLE IV COMPENSATION**

The City agrees to pay to the Board as the Board's cost of administering the City Ordinance such amount as is provided for by law. Such amounts shall be deducted from the taxes collected by the Board for the City.

#### **ARTICLE V MISCELLANEOUS PROVISIONS**

**A. Communications.** Communications and notices may be sent by first class United States mail to the addresses listed below, or to such other addresses as the parties may from time to time designate. A notification is complete when deposited in the mail.

Communications and notices to be sent to the Board shall be addressed to:

State Board of Equalization  
P.O. Box 942879  
Sacramento, California 94279-0073  
Attention: Executive Director

Communications and notices to be sent to the City shall be addressed to:

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**Unless otherwise directed, transmittals of payment of District transactions and use taxes will be sent to the address above.**

**B. Term.** The date of this Agreement is the date on which it is approved by the Department of General Services. The Agreement shall take effect on April 1, 2010. This Agreement shall continue until December 31 next following the expiration date of the City Ordinance, and shall thereafter be renewed automatically from year to year until the Board completes all work necessary to the administration of the City Ordinance and has received and disbursed all payments due under that Ordinance.

**C. Notice of Repeal of Ordinance.** City shall give the Board written notice of the repeal of the City Ordinance not less than 110 days prior to the operative date of the repeal.

**ARTICLE VI**  
**ADMINISTRATION OF TAXES IF THE**  
**ORDINANCE IS CHALLENGED AS BEING INVALID**

**A. Impoundment of funds.**

1. When a legal action is begun challenging the validity of the imposition of the tax, the City shall deposit in an interest-bearing escrow account, any proceeds transmitted to it under Article II. C., until a court of competent jurisdiction renders a final and non-appealable judgment that the tax is valid.

2. If the tax is determined to be unconstitutional or otherwise invalid, the City shall transmit to the Board the moneys retained in escrow, including any accumulated interest, within ten days of the judgment of the trial court in the litigation awarding costs and fees becoming final and non-appealable.

**B. Costs of administration.** Should a final judgment be entered in any court of the State of California, holding that City's Ordinance is invalid or void, and requiring a rebate or refund to taxpayers of any taxes collected under the terms of this Agreement, the parties mutually agree that:

1. Board may retain all payments made by City to Board to prepare to administer the City Ordinance.

2. City will pay to Board and allow Board to retain Board's cost of administering the City Ordinance in the amounts set forth in Article IV of this Agreement.

3. City will pay to Board or to the State of California the amount of any taxes plus interest and penalties, if any, that Board or the State of California may be required to rebate or refund to taxpayers.

4. City will pay to Board its costs for rebating or refunding such taxes, interest, or penalties. Board's costs shall include its additional cost for developing procedures for processing the rebates or refunds, its costs of actually making these refunds, designing and printing forms, and developing instructions for Board's staff for use in making these rebates or refunds and any other costs incurred by Board which are reasonably appropriate or necessary to make those rebates or refunds. These costs shall include Board's direct and indirect costs as specified by Section 11256 of the Government Code.

5. Costs may be accounted for in a manner, which conforms to the internal accounting, and personnel records currently maintained by the Board. The billings for such costs may be presented in summary form. Detailed records will be retained for audit and verification by City.

6. Any dispute as to the amount of costs incurred by Board in refunding taxes shall be referred to the State Director of Finance for resolution and the Director's decision shall be final.

7. Costs incurred by Board in connection with such refunds shall be billed by Board on or before the 25th day of the second month following the month in which the judgment of a court of the State of California holding City's Ordinance invalid or void becomes final. Thereafter Board shall bill City on or before the 25th of each month for all costs incurred by Board for the preceding calendar month. City shall pay to Board the amount of such costs on or before the last day of the succeeding month and shall pay to Board the total amount of taxes, interest, and penalties refunded or paid to taxpayers, together with Board costs incurred in making those refunds.

CITY OF

STATE BOARD OF EQUALIZATION

By \_\_\_\_\_  
(Signature)

By \_\_\_\_\_  
(Executive Director)

\_\_\_\_\_  
(Typed Name)

\_\_\_\_\_  
(Title)



## City Council Agenda Regular Agenda

**Subject:** Approval for the use of La Plaza Park and bandstand on Sunday July 11, 2010 to facilitate a free concert called Rock for No Rock sponsored by Zone Music to raise community awareness of the Roblar Road Quarry project and consideration of request to waive park use fees

**Date:** May 26, 2010

**Written by:** Robert Stewart, Chief of Police

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### **Recommendation**

It is recommended that the City Council adopt a motion to authorize the use of La Plaza Park and Bandstand for a free concert sponsored by Zone Music on Sunday July 11, 2010 to bring community awareness to the Roblar Road Quarry project and to consider request to waive park use fees.

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### **Background**

Zone Music is sponsoring a one day concert event in La Plaza Park to bring community awareness to the Roblar Road Quarry project.

### **Analysis/Discussion**

On Sunday July 11, 2010, Zone Music is sponsoring a concert in the park that is intended to bring community awareness to the Roblar Road Quarry project. This free event will include approximately 12 bands and numerous speakers who will provide insight on the community issues surrounding the Quarry project. In addition to the concert and those speaking, there will be an opportunity for some of the local restaurants to sell or provide food to the those in attendance and to showcase local businesses.

The event will require the dedicated use of the park between the hours of 10:00 a.m. to 7:30 p.m. with music and guest speakers being scheduled between 12:30 to 5:30 p.m. There will be no alcoholic beverage sales or street closures and trash containers will be provided on site.

### **Financial Considerations**

- 1) The event promoter will be required to provide evidence (certificates and endorsements) of insurance coverage to the City which is acceptable to the Director of Administrative Service at least three (3) weeks prior to event.
- 2) As the event is intended to educate and bring awareness to a project that may impact or be of interest to Sonoma County as a whole, there is a request for the park use fee of \$600 to be waived.

### **Environmental Issues**

None

Attachments:

1. Park Use Request Form
2. Request letter form Zone Music

## Rock for No Rock

The North Bay musical community, in an expression of affectionate regard and concern for Cotati, would like to present a free afternoon concert featuring 12 bands plus guest artists, in La Plaza Park on Sunday July 11th, from 12:30 PM to 5:30 PM.

The concert is to be called "Rock for No Rock."

The afternoon would also include public speakers educating and raising awareness regarding the proposed Roblar Road Quarry. We anticipate that 300 people will attend this event.

We would like to invite Cotati Mayor Robert Coleman-Senghor and Petaluma Mayor Pamela Torliatt to speak as well.

Zone Music is the key sponsor of the event, and the Cotati business community has been invited to participate at no cost. This event has a strong community focus, and there would be info booths, as well as pre-prepared food from Cotati restaurants. There will be no alcohol at this event.

As well as being an educational event for participants, our promotional activity in local media - online, press and radio - will have a very strong positive Cotati community focus.

In light of the educational and community nature of this event, we request that fees for park use be waived. Zone Music will assume responsibility for park clean up and garbage removal after the event. Thank you for your consideration.

Contact: Frank Hayhurst [frank@zonemusic.com](mailto:frank@zonemusic.com)

707-664-1213 X107

Calendar  
 log  
 Finance  
 Police  
 City of Cotati  
 City of Cotati

REQUEST FOR USE OF  
 PARK FACILITIES

201 West Sierra Avenue, Cotati CA 94931 (707)792-4600 Fax: (707)795-7067

Name of Organization: Zone Music

Applicant serving as representative: Frank Hayhurst

Address: 7884 Old Redwood Hwy, Cotati CA 94931  
 Street City State Zip Code

Phone Number: 707-664-1213 x 107 Email Address: frank@zonemusic.com

DATE OF EVENT: July 11 Arrival/Completion Time: 10:00am - 7:30pm

Estimated Attendees: 300 Tax ID # (if Non-Profit): \_\_\_\_\_

INTENDED USE OF PARK: Rock for No Rock concert

**PARK REQUESTED:**

- La Plaza Park
- Draper Park
- Putnam Park
- Kotate Park
- Falletti Park
- Veterans Park

Alcoholic Beverages served: <sup>No</sup> Yes \_\_\_\_\_ Sold \_\_\_\_\_  
 Street Closure Requested: Yes \_\_\_\_\_ No   
 Animals: No  
 Inflatable Jump House: Yes \_\_\_\_\_ No   
 Food served: Yes  Sold \_\_\_\_\_  
 Park Closure Requested: Yes \_\_\_\_\_ No   
 Electricity Needed: Yes  No \_\_\_\_\_  
 Pony Rides: Yes \_\_\_\_\_ No

(See Policy for insurance requirements)

*Use of the above facilities may be pre-empted if City business so requires.*

As an applicant for use of City of Cotati facilities, I hereby agree to assume all risks for loss, damage, liability, injury, cost or any expense that may arise during or be caused in any way by use or occupancy of any area or facility of the City of Cotati. I further agree that in consideration of being permitted to use said facility, I will hold the City of Cotati, its officials and employees free and harmless from any loss, liabilities, damages, and/or injuries to persons and property occurring during applicant's use or public liability insurance as stated in "facility use and reservation policy" with the City of Cotati named as additional insured to be submitted no later than one month prior to the rental date. I have read the rules and regulations of rental carefully and agree to them as written. **I understand that applications not submitted thirty (30) days prior to event may not be able to be processed.**

Applicant Signature: [Signature] Date: MAY 18, 2010

Date of Application: 5/17/2010 Additional Conditions and/or Comments: \_\_\_\_\_

Date Insurance Certificate Rec'd: \_\_\_\_\_ See event ins. info provided. Preference to Site for CC app.

Park Use Fee: \$1000 #1275 split Deposit Received: <sup>Ant</sup> \$250 Deposit Returned: \_\_\_\_\_  
 001 0100 42214 001 0100 20063 #1275 split

Security Contract Received: \_\_\_\_\_  
 City Manager's Office Police Department

Group Classification: Cotati Resident  Non - Resident

## City Council Agenda Regular Agenda

**Subject:** Revision to Mayors' and Councilmembers' Association By-Laws

**Date:** May 26, 2010

**Written by:** Dianne Thompson, City Manager

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### **Recommendation**

It is recommended that the Council adopt a motion to support revision to the Sonoma County Mayors' and Councilmembers' Association bylaws.

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### **Background**

At their meeting on February 11, 2010, the Sonoma County Mayors' and Councilmembers' Association approved the following bylaw changes as listed below and direct the subcommittee to insert the new language into the bylaws in the appropriate section and have this item be returned to the General Membership at the next meeting for their review and action:

- Via its mayor, any member city can make a request to place an item on the agenda for the General Membership meeting.
- The Board of Directors [9 Mayors or their designated representative(s)] will determine, by a vote of the simple majority of those present, which items will be placed on the agenda of the General Membership meeting for action.
- If it is determined that an item is to be referred to the General Membership for discussion and action, then it will be placed on the General Membership agenda for the next regularly scheduled meeting.
- If an item is deemed an emergency or of urgency with a 2/3 affirmative vote of those present, the Board of Directors can immediately place it on the agenda of the General Membership. To be deemed an emergency or of urgency, an item must have arisen in between meetings, must be introduced in a timely manner, and must require action before the next regularly scheduled General Membership meeting

**Analysis/Discussion**

The proposed revision clarifies who votes at the Mayors' and Councilmembers' Association meetings, and under what conditions.

**Financial Considerations**

None.

**Environmental Issues**

None.

Attachments:

Proposed revision to bylaws

DT:tlt

# By-Laws Mayors' & Councilmembers' Association of Sonoma County

## Membership:

The Mayors' and Councilmembers' Association of Sonoma County shall be comprised of the following members: (rev. 11/2/89)

1. Regular Members: All Mayors and Councilmembers of the incorporated cities in the county of Sonoma.
2. Associate Members:
  - a. Chief administrative officer of each of the incorporated cities in the County of Sonoma.
  - b. Supervisors in the County of Sonoma.

Only regular members of the Association shall have voting powers. Voting powers for the regular membership meetings shall consist of one vote, one city -- this vote cast by the Mayor or his/her designee.

## Board of Directors:

The Board of Directors of the Association shall be comprised of the Mayors of the member cities and the officers of the Association. The officers of the Association shall have no vote unless they are Mayors.

In the event a Mayor is unable to attend a meeting of the Board of Directors, he/she shall designate another member, who must be a regular member of the Association, to serve as the representative, by letter delivered to the Secretary of the Association at the time of such meeting or prior thereto. In lieu of a letter being provided prior to each meeting, cities may instead provide a letter to the Chair City at the beginning of each term designating the approved alternates for their city. By such a letter, a Mayor may designate another councilperson to serve as his/her representative on all occasions when the Mayor is absent, or only for a particular meeting or meetings. The representative shall enjoy the same voting privilege during the Board of Directors' meeting as would the Mayor he/she represents. In the absence of such a letter, no one shall be entitled to act as the representative of a Mayor. (Rev. 8/9/07)

The Board of Directors of the Association shall ~~be~~ <sup>have</sup> the powers to:

- a. Review policy items and develop the agenda for the Association.

(i) In connection with the development of

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the agenda for the Association, any member of the Board of Directors may, during a Regular Membership Meeting or a Board of Directors Meeting, request to place an item on the next Regular Membership Meeting agenda. The Board of Directors will determine by majority vote of a quorum

→ of the Board whether to place the item on the agenda for the next Regular Membership Meeting.



## City Council Agenda Regular Agenda

**Subject:** Recommendation for appointment by Mayors' And Councilmembers' Association City Selection Committee to Local Agency Formation Commission (LAFCO) (Alternate position).

**Date:** May 26, 2010

**Written by:** Dianne Thompson, City Manager

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### **Recommendation**

It is recommended that the Council adopt a motion to support its choices from those Sonoma County Councilmembers who have submitted letters of interest for appointment by the Mayors' and Councilmembers' Association City Selection Committee to Local Agency Formation Commission (LAFCO) (Alternate position).

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### **Background**

At their meeting on June 10, 2010, the Sonoma County Mayors' and Councilmembers' Association City Selection Committee will appoint a representative to Local Agency Formation Commission (LAFCO) (Alternate position) to fill the vacancy created when Commissioner Stafford was appointed as a Regular Member of the Commission. The appointee will complete the remainder of Commissioner Stafford's term as alternate Member, which expires May 2011.

### **Analysis/Discussion**

Two letters of interest have been received (attached) from Council member Mark Landman (Cotati) and Vice Mayor Steve Allen (Windsor).

### **Financial Considerations**

None.

### **Environmental Issues**

None.

Attachments:

Letter from Mayor Gurney calling for letters of interest  
Letters of interest

DT:tl



**CITY MANAGER**  
Jack Griffin

**CITY CLERK/PROGRAM MANAGER**  
Mary Gourley

**CITY OF SEBASTOPOL**  
City Hall  
7120 Bodega Avenue  
Post Office Box 1776  
Sebastopol, CA 95473-1776  
707-823-1153 - Phone  
707-823-1135 - Fax  
Email: [mgourley@sonic.net](mailto:mgourley@sonic.net)  
Web Site: [www.ci.sebastopol.ca.us](http://www.ci.sebastopol.ca.us)



**SEBASTOPOL**  
Local Flavor. Global Vision.

**MAYOR**  
Sarah Glade Gurney

**CITY COUNCIL**  
Guy Wilson, Vice Mayor  
Linda Kelley  
Larry Robinson  
Kathleen Shaffer

May 4, 2010

Sonoma County Mayors' and Councilmembers' Association

Dear Mayors and Councilmembers:

The Board of Directors for the Sonoma County Mayors' and Councilmembers' Association will hold its next regular meeting of 2010 on June 10, 2010, at 6:00 pm at Sonoma State University, Rohnert Park, CA.

Date: Thursday, June 10, 2010, Sonoma State University, Rohnert Park, CA  
Time: 6:00 p.m. – Reception, Sonoma State University, Rohnert Park, CA  
6:00 p.m. – City Selection Committee Meeting, Sonoma State University, Rohnert Park, CA  
Immediately following the City Selection Committee Meeting – Convene Board Meeting, Sonoma State University, Rohnert Park, CA  
Immediately following the Board Meeting - Convene Dinner/General Membership Meeting – Sonoma State University, Rohnert Park, CA

One of the major business items for this meeting will be to consider appointment to the following Board and Commission, LAFCO. The City Selection Committee will meet in special session on **June 10, 2010 at 6:00 p.m.** The purpose of the meeting is to appoint an **Alternate Member** to the **Local Agency Formation Commission** to fill a vacancy created when Commissioner Stafford was appointed as a Regular Member of the Commission. The appointee will complete the remainder of Commissioner Stafford's term as an Alternate member, which expires May 2011.

Because time is of the essence, please ask your Councilmembers to submit their letters of interest to the Mayors in the Sonoma County Mayors' and Councilmembers' Association and Mary Gourley, City Clerk/Program Manager, City of Sebastopol by May 10, 2010. Once received, City Clerk Gourley will submit the letters of interest received to all cities for their review. This should provide enough time to allow review at each of your own Council meetings prior to the June 10, 2010 Board meeting.

I realize this request doesn't allow much time, but in order to fill the vacancy as quickly as possible, we need to move forward with your letters of interest as soon as possible.

Thank you for your expeditious assistance.

Sincerely,



Sarah Glade Gurney  
Mayor

Cf: Sonoma County Board of Supervisors  
League of California Cities Representative  
City Clerks  
Clerk of the Board

City of Cotati  
Sonoma County, California



May 4, 2010

Mary Bowman, Clerk, City Selection Committee  
Mayors and Councilmembers,

Re: City Member - Alternate on the Local Agency Formation Commission (LAFCO)

I am writing to ask for your support for appointment to the position of City Member - Alternate on the Local Agency Formation Commission (LAFCO).

I currently serve as councilmember in the City of Cotati, and act as Cotati's representative on the Water Advisory Committee, the Russian River Watershed Association, and as alternate representative to the Association of Bay Area Governments (ABAG), the Sonoma County Transportation Authority (SCTA), and the Subregional Wastewater Policy Advisory Committee. As a retired Fire Captain with 30 years of experience, I understand the importance of land use boundaries and service areas and the impact they can have on agencies providing service to these areas.

The challenge of planning and maintaining appropriate spheres of influence, to guide future growth for our communities while protecting our agricultural and open space lands, is an important one that I would appreciate being involved in. I would enjoy the opportunity to serve as your alternate representative and ask for your vote.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Landman". The signature is enclosed within a hand-drawn oval.

Mark Landman  
Councilmember



Town of Windsor  
9291 Old Redwood Highway  
P.O. Box 100  
Windsor, CA 95492-0100  
Phone: (707) 838-1000  
Fax: (707) 838-7349

[www.townofwindsor.com](http://www.townofwindsor.com)

**Mayor**  
Sam Salmon

**Vice Mayor**  
Steve Allen

**Councilmembers**  
Debora Fudge  
Robin Goble  
Cheryl Scholar

**Town Manager**  
J. Matthew Mullan

May 4, 2010

Sonoma County Mayors' and Councilmembers' Association  
7120 Bodega Avenue  
Sebastopol, CA 95472

**RE: LAFCO Appointment**

Dear Mayors and Councilmembers:

I am asking for your support to fill the Alternate position on LAFCO. I have worked hard as one of the City-appointed Commissioners for the past four years. As a civil engineer, I have over thirty-two years of experience working with local agencies and have worked extensively with the issues and needs involved with annexations. As a member of the agency, I have used my expertise to work with the rest of the Commissioners to make logical and well thought out decisions.

I would like to offer my experience, and would appreciate the opportunity to serve again. I thank you for your consideration.

Sincerely,

Steve Allen  
Vice Mayor

cc: Town Council  
M. Mullan

I:\01 - Town Council\Correspondence & Misc Info\2010\LAFCO ALT Appt May 2010.doc



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

**Subject:** Receive and File Warrants and Audited Claims for April 29th, 2010 – May 12th, 2010

**Date:** May 26, 2010

**Written by:** Jone Hayes, Director of Administrative Services

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### **Recommendation**

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

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### **Background**

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

#### **2.12.160 Expenditure control--Purchasing.**

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

#### **3.36.010 Expenditures--Compliance required.**

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

### **Analysis/Discussion**

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

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

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

**Financial Considerations**

The following is the totals for the Warrants and Audited Claims (the A/P Check Register) issued for the period of April 29, 2010 – May 12, 2010:

May 12, 2010	\$ 117,922.55
May 12, 2010	<u>85.93</u>
Total	\$ 118,008.48

**Environmental Issues**

None.

Attachments:

1. Check Registers dated 5/12/10

A / P CHECK REGISTER

5/12/2010 10:42 AM  
 PACKET: 00422 Regular Payments  
 VENDOR SET: 01  
 BANK : AP AP - CASH CLEARING (POOL)

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
AME03	AMERICAN PLANNING ASSOC. I-167033-091101	LUSTIG 4/1/10 - 3/31/11	R	5/12/2010		350.00CR	059076	350.00
AME04	AMERICAN MESSAGING I-M7261760XE	5/1 - 5/31/10	R	5/12/2010		23.60CR	059077	23.60
ATT10	AT&T I-1317472	7077938562695 3/22 - 4/21/10	R	5/12/2010		15.80CR	059078	15.80
BEL09	DEREK & HEIDI BELL I-051010	HIGH-EFFICIENCY WASHER REBATE	R	5/12/2010		75.00CR	059079	75.00
BLA04	BLAIRWORKS I-2848 I-2856	WEBSITE HOSTING - MAY 2010 WEBSITE UPDATES - APRIL 2010	R	5/12/2010		30.00CR 240.00CR	059080 059080	270.00
BRE01	BRELJE & RACE, INC. I-56252	WATER SAMPLES - MARCH 2010	R	5/12/2010		457.20CR	059081	457.20
BWS01	B.W.S. DISTRIBUTORS, INC. I-97326302	PW SUPPLIES	R	5/12/2010		27.36CR	059082	27.36
CAL18	CALIFORNIA BUILDING STANDARDS COMMISSION I-042910 I-050510	SB1473 FUNDS COL 10/1-12/31/09 SB1473 FUNDS COLL 1/1-3/31/10	R	5/12/2010		24.00CR 53.00CR	059083 059083	77.00
CIT11	CITY OF COTATI I-050310 I-050310A I-050310B I-050310C I-050310D I-050310E I-050310F I-050310G I-050310H I-050310I	05-0120-00 2/17 - 4/18/10 06-0720-00 2/17 - 4/18/10 07-3170-00 2/17 - 4/18/10 07-4380-00 2/17 - 4/18/10 07-4540-00 2/17 - 4/18/10 08-2900-00 2/17 - 4/18/10 08-3340-00 2/17 - 4/18/10 09-0010-00 2/17 - 4/18/10 09-1650-00 2/17 - 4/18/10 09-2840-00 2/17 - 4/18/10	R	5/12/2010		28.50CR 95.17CR 28.50CR 28.50CR 28.50CR 152.17CR 152.17CR 47.59CR 47.59CR 47.59CR	059084 059084 059084 059084 059084 059084 059084 059084 059084 059084	656.28
COM08	THE COMMUNITY VOICE I-10653 I-10654 I-10718	PHN - WATER LANDSCAPE ORD PHN - TAQUERIA EL BRINQUITO WATER EFFICIENT LANDSCAPE ORD	R	5/12/2010		104.00CR 104.00CR 136.50CR	059085 059085 059085	344.50

A / P CHECK REGISTER

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VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
CON10	CONOCOPHILLIPS FLEET I-870135035004	FUEL CHGS - APRIL 2010	R	5/12/2010		2,525.34CR	059086	2,525.34
COT01	COTATI CHAMBER OF COMMERCE I-050110	ECONOMIC DEV SVCS - MAY 2010	R	5/12/2010		3,000.00CR	059087	3,302.96
	I-050610	RFD RENTAL DEP LESS CLNG FEE	R	5/12/2010		302.96CR	059087	
COT02	COTATI OAKS TRUE VALUE HARDWARE I-042510	PW SUPPLIES	R	5/12/2010		17.24CR	059088	17.24
COT19	COTATI HISTORICAL SOCIETY I-050510	RFD RENTAL DEP LESS CLNG FEE	R	5/12/2010		302.96CR	059089	302.96
DAI02	DAILY ACTS I-042610	WATER CONS EDUCATION SVCS	R	5/12/2010		14,475.00CR	059090	14,475.00
DAW01	GAY DAWSON I-050610	YOGA INSTRUCTOR 3/26-4/20/10	R	5/12/2010		351.00CR	059091	351.00
DEP02	DEPT. OF CONSERVATION I-042810	SEISMIC FEE REPT OCT-DEC 2009	R	5/12/2010		2.56CR	059092	134.51
	I-050510	SEISMIC FEE REPT-JAN-MAR 2010	R	5/12/2010		131.95CR	059092	
DEP04	DEPART. OF TRANSPORTATION I-187897	SIGNALS / LIGHTING - MAR 2010	R	5/12/2010		237.55CR	059093	237.55
DEV03	DEVOTO PLUMBING, INC. I-8489	TOILET RETRO - 550 W SCHOOL	R	5/12/2010		409.00CR	059094	409.00
DWY01	CELESTE DWYER I-050410	DISP APPRECIATION LUNCH (5)	R	5/12/2010		125.00CR	059095	125.00
FRA10	KEITH FRANK I-042710	HIGH-EFFICIENCY WASHER REBATE	R	5/12/2010		75.00CR	059096	75.00
GRA01	GRAINGER, INC. I-9236952777	PW SUPPLIES	R	5/12/2010		41.94CR	059097	94.61
	I-9239195457	BALLAST - COTATI RM	R	5/12/2010		52.67CR	059097	
GRO07	GROUNDWATER PUMP & WELL INC. I-050710	WELL 1A / 3 REHAB	R	5/12/2010		10,107.27CR	059098	10,107.27

A / P CHECK REGISTER

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
HAY01	JONE HAYES I-050610	RFD RM RENTAL DEPOSIT	R	5/12/2010		50.00CR	059099	50.00
HIN01	HINES SIGNS I-15407	MYRTLE AVE / VALPARAISO AVE	R	5/12/2010		872.00CR	059100	872.00
HOR02	HORIZON/AUTOMATIC RAIN I-1S002663 I-1S002731	DRAPER PARK IRR CONTROL BOARD PW SUPPLIES - DRAPER PARK	R	5/12/2010		190.75CR 40.75CR	059101 059101	231.50
HSB01	HSBC BUSINESS SOLUTIONS I-35552	PD SUPP - TRASH BAGS/BATTERIES	R	5/12/2010		106.61CR	059102	106.61
IKO01	IKON OFFICE SOLUTIONS I-82072881	COPIER RENT - 5/30 - 6/29/10	R	5/12/2010		1,207.09CR	059103	1,207.09
INT14	INTERACTIVE COMPUTER DESIGNS INC. I-164054 I-164482	INSITE FEES - APRIL 2010 MAINT-CASH/UTIL 5/1/10-4/30/11	R	5/12/2010		117.00CR 3,475.00CR	059104 059104	3,592.00
JAN03	ERIC JANSEN I-050610	RE-ISSUE W/S RFD / BANK FEES	R	5/12/2010		10.50CR	059105	10.50
KAI01	KAISER FOUNDATION HEALTH PLAN, INC. I-051010	15832-0000 - JUNE 2010	R	5/12/2010		14,818.00CR	059106	14,818.00
KAI02	KAISER PERMANENTE - OHSS I-042610	#100039076 - OTT	R	5/12/2010		65.00CR	059107	65.00
LAN04	MARK LANDMAN I-042210	TRAVEL EXPENSE REIMB-ABAG MTG	R	5/12/2010		74.30CR	059108	74.30
LEA02	LEAGUE OF CALIF CITIES I-96281	2010 DUES	R	5/12/2010		3,953.00CR	059109	3,953.00
LIE01	LIEBERT CASSIDY WHITMORE I-115107 I-115108	CO200 00001 RSW - GENERAL CO200 00007 RCB - LABOR REL	R	5/12/2010		133.00CR 190.00CR	059110 059110	323.00
MCL01	MCLEA'S TIRE & AUTOMOTIVE I-6027062	#8-TIRE INSTALL (1)/BRAKE PADS	R	5/12/2010		292.08CR	059111	292.08

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VENDOR	NAME / I. D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
MCP01	MCPHAIL FUEL COMPANY I-4909	PW SUPPLIES - PROPANE	R	5/12/2010		18.31CR	059112	18.31
MEY02	MEYERS NAVE I-2010030701	LEGAL SVCS - MARCH 2010	R	5/12/2010		5,432.50CR	059113	
	I-2010030702	COST RECOVERY - MARCH 2010	R	5/12/2010		62.54CR	059113	
	I-2010030703	NON-RETAINER SVCS - MARCH 2010	R	5/12/2010		2,811.12CR	059113	
	I-2010030704	GILMAN RANCH - MARCH 2010	R	5/12/2010		2,578.98CR	059113	
	I-2010030709	REDEVELOPMENT - MARCH 2010	R	5/12/2010		82.68CR	059113	10,967.82
MOB01	MOBILE VISION, INC. I-155386	MICROPHONES - CAR VIDEO SYSTEM	R	5/12/2010		283.85CR	059114	283.85
MYE01	MYERS-STEVENS & TOOHEY CO I-879049	PD DISABILITY - JUNE 2010	R	5/12/2010		292.50CR	059115	292.50
OFF09	OFFICE DEPOT I-51749660001	OFFICE SUPPLIES	R	5/12/2010		73.26CR	059116	73.26
OMN01	OMNI-MEANS I-30520	DSP BASE MAPPING THRU 4/23/10	R	5/12/2010		7,870.47CR	059117	7,870.47
PAC08	PACE SUPPLY I-01880615	DOG PARK SUPPLIES	R	5/12/2010		61.21CR	059118	61.21
PAC19	PAC MACHINE CO., INC. I-49147 I-49185	FLYGT PUMP NEW CENTURY LIFT STATION SUPP	R	5/12/2010		4,422.75CR	059119	
			R	5/12/2010		888.35CR	059119	5,311.10
POW01	POWER INDUSTRIES I-S033054	PW SUPPLIES - PRESSURE WASHER	R	5/12/2010		42.01CR	059120	42.01
REM01	R.E.M.I.F I-042910	LTD/LIFE/DENTAL/VISION/EAP	R	5/12/2010		5,811.36CR	059121	5,811.36
ROT02	ROTARY CLUB OF ROHNERT PARK-COTATI I-050610	RFD RM RENTAL DEPOSIT-10/4/09	R	5/12/2010		25.00CR	059122	25.00
ROY02	ROYAL COACH CAR WASH I-050310	PD CARWASH - APRIL 2010	R	5/12/2010		28.00CR	059123	28.00
SAN09	SANTA ROSA AUTO PARTS I-503391 I-504521	PW SUPPLIES PW SUPPLIES	R	5/12/2010		65.22CR	059124	90.85
			R	5/12/2010		25.63CR	059124	

**From:** David Brennan  
**To:** "Veronica A. Ferguson" <>, "Dianne Thompson"  
"Matt Mullan(  
"Schwarz,Dan"  
**Date:** 5/18/2010 12:47:03 PM  
**Subject:** FW: Sample letter of support SB 730

Managers and County Administrator,

If you can send a letter of support for Pat Wiggins bill that would be appreciated. It requires utilities to encourage regional climate protection authorities to participate in the development of the energy efficiency portfolio (as they are 'encouraged' to do with local governments already). The significant language is the addition below:

Add new subsection (c) to Section 399.4

(c) In the development of the energy efficiency portfolio design for local governments, the electrical corporations shall collaborate with, and seek project input from, county regional climate protection authorities, or public agencies that are directly authorized to implement regional or countywide climate protection and energy efficiency programs.

As you can see from this language, this would 'require' the utility to collaborate and seek input from RCPA and other authorities when putting together their EE portfolio design. Since each city and the county has representation on the RCPA, this would be a valuable communication tool to have input on PG&E portfolio design.

Let me know if you need more information.

Thanks,

Dave

**CC:** Suzanne Smith

**Option 4 Amend Section 399.4**

**399.4.** (a) (1) In order to ensure that prudent investments in energy efficiency continue to be made that produce cost-effective energy savings, reduce customer demand, and contribute to the safe and reliable operation of the electric distribution grid, it is the policy of this state and the intent of the Legislature that the commission shall continue to administer cost-effective energy efficiency programs authorized pursuant to existing statutory authority.

(2) As used in this section, the term "energy efficiency" includes, but is not limited to, cost-effective activities to achieve peak load reduction that improve end-use efficiency, lower customers' bills, and reduce system needs.

(b) The commission, in evaluating energy efficiency investments under its existing statutory authority, shall also ensure that local and regional interests, multifamily dwellings, and energy service industry capabilities are incorporated into program portfolio design and that local governments, including but not limited to county regional climate protection authorities, community-based organizations, and energy efficiency service providers are encouraged to participate in program design and implementation where appropriate.

**Add new subsection (c) to Section 399.4**

(c) In the development of the energy efficiency portfolio design for local governments, the electrical corporations shall collaborate with, and seek project input from, county regional climate protection authorities, or public agencies that are directly authorized to implement regional or countywide climate protection and energy efficiency programs.

May 27, 2010

DRAFT

The Honorable Patricia Wiggins  
California State Senate  
State Capitol, Room 4081  
Sacramento, CA 95814

**RE: SB 730 (Wiggins) --- Support (As amended March 19, 2010)**

Dear Senator Wiggins:

I am writing on behalf of the City of Cotati to express our support of SB 730, which will require investor owned utilities to coordinate the design and implementation of their 2012- 2015 Energy Efficiency portfolios with countywide or regional climate protection authorities.

Since AB 32 the Global Warming Solutions Act of 2006 was passed, local governments on their own initiative, and through state programs and policies, have launched a variety programs to reduce energy consumption and regional greenhouse gas emissions.

For example, the County of Sonoma, all nine cities within the county, Sonoma County Water Agency, Sonoma County Transportation Authority and the Sonoma County Agricultural Preservation and Open Space District have adopted the most aggressive emission reduction targets in the United States: 25% below 1990 levels by 2015. To meet this ambitious goal, last year the community successfully sponsored legislation to create the nation's first regional climate protection authority (AB 881 Huffman –Wiggins). The purpose of the Authority in Sonoma is to coordinate and implement, among all the local governments at and within the County, a variety of actions to reduce greenhouse gas emissions. Working closely with the County and its cities, the Authority is now deploying an aggressive greenhouse gas emission reduction program that promotes energy conservation and supports the expansion of renewable power sources.

In September 2009, the California Public Utilities Commission (CPUC) approved \$3.1 billion for the 2010-2012 Utility Energy Efficiency Portfolios, which is funded through ratepayers-supported programs. For maximum ratepayer benefit and program efficiency, the CPUC and the investor owned utilities should develop the next Energy Efficiency portfolio in coordination with these kinds of locally approved climate change programs in communities where they exist.

For these reasons, we support SB 730

Sincerely,

Robert Coleman-Senghor  
Mayor

cc: Members, Assembly Utilities and Commerce Committee  
Cotati City Council  
Damien O'Bid, Director of Public Works/City Engineer

