



MINUTES
REGULAR CITY COUNCIL MEETING, JOINT MEETING OF THE CITY COUNCIL
AND THE BOARD OF DIRECTORS OF THE
COTATI COMMUNITY REDEVELOPMENT AGENCY
WEDNESDAY JUNE 22, 2011
6:00 PM CLOSED SESSION, 7:00 PM REGULAR SESSION
City Council Chambers, City Hall, 201 W. Sierra Avenue

6:00 PM CLOSED SESSION

CALL TO ORDER (CITY COUNCIL CHAMBERS)

Mayor Orchard called the closed session to order at 6:02 p.m. All Councilmembers were present.

ADJOURNMENT TO CLOSED SESSION (CITY MANAGER'S OFFICE)

CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL

Anticipated litigation (significant exposure to litigation (Gov. Code section 54956.9)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS: Property: 7883 Old Redwood Hwy (APN 144-200-001); Agency Negotiator: City Manager or designee; Negotiating Party: Paul Oliva or designee; Under Negotiations: Price and terms

7:00 PM REGULAR SESSION

CALL TO ORDER OF REGULAR CITY COUNCIL MEETING

Mayor Orchard called the meeting to order at 7:04 p.m.

REPORT OUT OF CLOSED SESSION

Nothing to report.

ROLL CALL

All Councilmembers present: Dell'Osso, Gilardi, and Landman, Vice Mayor Harvey and Mayor Orchard.

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

PLEDGE OF ALLEGIANCE

Mayor Orchard led the pledge of allegiance.

1. APPROVAL OF MINUTES OF JUNE 8, 2011 REGULAR, JOINT AND SPECIAL MEETINGS AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (*Action*)

Moved by Councilmember Gilardi, seconded by Vice Mayor Susan Harvey and passed unanimously to approve the minutes of the June 8, 2011 Regular meeting minutes as presented and to waive reading of all resolutions and ordinances introduced and/or adopted under this agenda.

ANNOUNCEMENTS

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

The Cotati Farmers Market, sponsored by the Cotati Chamber of Commerce, takes place in La Plaza Park from 4:30 to 7:30 every Thursday afternoon through September 15th. For additional information call 707-795-5508.

One of this summer's two 'Movies in the Park' events, sponsored by the Brit and Barbara Johnson, takes place on Friday July 8 with a showing of the movie 'Hook'. The fun starts at dusk in La Plaza Park.

PRESENTATION

Henry Mikus, Executive Director of the Sonoma County Waste Management Agency (SCWMA), provided a review of current Agency projects.

CITY MANAGER'S REPORT

City Manager Dianne Thompson reported that the Helen Putnam Park restroom repairs are complete and are now open to the public, and that Cotati's annual Jazz Festival was successful and well attended. She provided an update on the construction progress of Peet's and announced the hiring of new Community Development Director Vicki Parker, who will start on July 11.

APPROVAL OF FINAL AGENDA

No changes.

CITIZEN BUSINESS

George Barich commented on how the Mayor announced to speak during Citizen Business, the Capital Improvement Plan (CIP), City Hall maintenance, and various actions of the Council.

DIRECTION ON FUTURE AGENDA ITEMS

Council concurred for staff to look into arranging a presentation by the California Homemakers' Association.

CONSENT CALENDAR

Mayor Orchard opened the floor to public comment on joint consent calendar items.

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

2. SETTING A PUBLIC HEARING DATE FOR ESTABLISHING LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATES (Administrative Services) (Action)

Moved by Councilmember Gilardi seconded by Vice Mayor Susan Harvey and passed unanimously to adopt:

Resolution 2011-26 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATE FOR VALPARAISO VISTA SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2011-12

Resolution 2011-27 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATE FOR QUAIL HOLLOW SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2011-12

Resolution 2011-28 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATE FOR SOMMERS SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2011-12

Resolution 2011-29 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATE FOR MACKLIN SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2011-12

Resolution 2011-30 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATE FOR SIERRA MEADOWS SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2011-12

Resolution 2011-31 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATE FOR OAK KNOLLS SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2011-12

Resolution 2011-32 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATE FOR GARDEN GATE SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2011-12

Resolution 2011-33 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATE FOR PARK MEADOWS SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2011-12

Resolution 2011-34 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATE FOR SANTERO WAY DEVELOPMENTS LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2011-12

Resolution 2011-35 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT RATE FOR ALTMAN ACRES SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2011-12

3. SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE OUTSTANDING BACKFLOW TESTING CHARGES AND DIRECTING LEVYING OF ASSESSMENTS FOR FISCAL YEAR 2011-12 (Administrative Services) (Action)

Resolution No. 2011-36 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE OUTSTANDING BACKFLOW TESTING CHARGES AND DIRECTING LEVYING OF ASSESSMENTS FOR FISCAL YEAR 2011-12

4. SETTING A PUBLIC HEARING DATE FOR ESTABLISHING OUTSTANDING SEWER CHARGE FOR FISCAL YEAR 2011-2012 (Administrative Services) (Action)

Resolution No. 2011-37 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI SETTING A PUBLIC HEARING DATE FOR ESTABLISHING THE OUTSTANDING SEWER CHARGES AND DIRECTING LEVYING OF ASSESSMENTS FOR FISCAL YEAR 2011-2012

5. AUTHORIZE THE CITY MANAGER TO SIGN SIDE LETTER OF AGREEMENT TO THE CURRENT MEMORANDA OF UNDERSTANDING BETWEEN THE CITY AND THE COTATI POLICE OFFICERS' ASSOCIATION (CPOA) (Police) (Action)

Motion authorizing the City Manager to sign the side letter of agreement to the current Memoranda of Understanding (MOU) between the City and the Cotati Police Officer's Association (CPOA).

6. COUNCIL ASSIGNMENTS AS REPRESENTATIVES AND LIAISONS TO REDWOOD EMPIRE MUNICIPAL INSURANCE FUND (REMIF) BOARD OF DIRECTORS (City Manager) (Action)

Motion to change appoint Jone Hayes to the Director position and City Manager Dianne Thompson to the Alternate Director position for the Redwood Empire Municipal Insurance Fund (REMIF) Board of Directors

PUBLIC HEARING

7. APPROVAL OF THE SALE OF A PORTION OF THE COTATI INTERMODAL PROPERTY (Engineering/Public Works) (Action)

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

Mayor Orchard opened the floor to public comment.

George Barich asked whether the City was making money or losing money, and how much staff time had been invested in the project over the last 10 years.

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

Mr. O'Bid reiterated the \$588,000 sale price of the property and noted that most of the work on the project has been done by SCT

Council concurred in support of the proposal.

Moved by Vice Mayor Susan Harvey seconded by Councilmember Gilardi and passed unanimously to adopt Resolution No. 2011-38 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI APPROVING THE SALE OF A PORTION OF REAL PROPERTY AT 970 EAST COTATI AVENUE (PORTION OF EXISTING APN 144-320-21) AND AUTHORIZING THE EXECUTION OF RELATED AGREEMENTS

REGULAR AGENDA

8. CLARIFICATION OF CODE OF ETHICS POLICY; DISCUSSION AND POSSIBLE ACTION (City Manager) (Action)

City Manager Dianne Thompson presented the staff report.

Mayor Orchard opened the floor to public comment.

Greg Karraker commented on the code of ethics process and interaction of Councilmembers and citizens during City Council meetings.

George Barich commented on how the Council has handled previous ethics complaints and indicated that ethics complaints should be dealt with during City Council meetings.

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

Discussion ensued, with Mayor Orchard pointing out the aspirational and self-enforcing aspects of the code of ethics. She noted that when it was adopted the Council was satisfied that it would not violate free speech, and that it is likely similar to 8 out of 10 other cities' code of ethics. Previous complaints have been handled inconsistently, so there has been no precedent. Further discussion took place relative to the need to clarify the process of handling ethics complaints, keeping emotion out of complaints, treating ethics complaints the same as other correspondence and scheduling in depth discussion of ethics complaint if so desired by the Council.

Moved by Councilmember Landman seconded by Councilmember Gilardi and passed unanimously to process ethics complaints by treating them the same as other City Council correspondence, and if a Councilmember would prefer to address a complaint in depth, the Councilmember could so note during the 'Direction on Future Agenda Items' section of the agenda for consideration to schedule discussion of the complaint as a regular agenda item.

Mayor Orchard called a recess at 8:00 p.m. and reconvened at 8:08 p.m.

9. DISCUSSION AND SELECTION OF COUNCIL REPRESENTATIVE REGARDING REDISTRICTING (City Manager) (Action)

City Manager Dianne Thompson presented the staff report.

Mayor Orchard opened the floor to public comment.

George Barich indicated opposition to the City's participation in the redistricting process.

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

Discussion ensued, with the Council concurring that any Councilmember who would be available to attend the Citizens Redistricting Committee hearing on June 27, 2011 may attend and speak on behalf of the City of Cotati according to Resolution No. 2011-25 and the letter dated June 9, 2011 stating the City's position regarding the potential re-drawing of Assembly, State Senate and US Congressional districts. Councilmember Landman indicated that he would attend, and Vice Mayor Harvey noted her willingness to attend if needed.

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

Mayor Orchard adjourned the Regular meeting and called to order the joint meeting at 8:16 p.m.

CONSENT CALENDAR (JOINT MEETING)

Mayor Orchard opened the floor to public comment on joint consent calendar items.

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

Moved by Councilmember Landman, seconded by Vice Mayor Susan Harvey and passed unanimously to approve item 10 on the joint consent calendar.

10. WARRANTS AND AUDITED CLAIMS MAY 26th, 2011 – June 8th, 2011 (Administrative Services) (Action)

This motion receives and files warrants and audited claims for May 26th, 2011 – June 8th, 2011.

REGULAR AGENDA (JOINT MEETING)

11. ADOPTION OF RESOLUTIONS APPROVING THE FISCAL YEAR 2011-2012 BUDGET (Administrative Services) (Action)

Administrative Services Director Jone Hayes presented the staff report.

Mayor Orchard opened the floor to public comment.

Greg Karraker commented on the use of Measure A funds.

George Barich indicated opposition to the proposed budget.

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

Moved by Councilmember/Board member Gilardi seconded by Vice Mayor/Board member Susan Harvey and passed unanimously to adopt Resolutions No. 2011-39 and CRA 235 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AND THE BOARD OF DIRECTORS OF THE COTATI REDEVELOPMENT AGENCY ADOPTING THE FISCAL YEAR 2011-12 BUDGET.

12. ADOPTION OF A RESOLUTION ESTABLISHING AN APPROPRIATIONS LIMIT FOR FISCAL YEAR 2010-2011 PURSUANT TO ARTICLE XIII.B OF THE CALIFORNIA CONSTITUTION AS AMENDED BY PROPOSITION 111 (Administrative Services) (Action)

Administrative Services Director Jone Hayes presented the staff report.

Mayor Orchard opened the floor to public comment.

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

Moved by Councilmember/Board member Gilardi seconded by Councilmember/Board member Dell'Osso and passed unanimously to adopt Resolutions No. 2011-40 and CRA 236 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AND

THE BOARD OF DIRECTORS OF THE COTATI REDEVELOPMENT AGENCY
ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2011 - 2012
PURSUANT TO ARTICLE XIII.B OF THE CALIFORNIA CONSTITUTION,
AS AMENDED BY PROPOSITION 111

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

Mayor Orchard adjourned the Joint meeting and reconvened the Regular meeting at 8:26 p.m.

CITY COUNCIL REPORTS (*Discussion*)

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

ADJOURNMENT

Mayor Orchard adjourned the meeting at 8:29 p.m.

Respectfully Submitted,

/s/ Tamara Taylor, Deputy City Clerk