



AGENDA
REGULAR CITY COUNCIL MEETING, JOINT MEETING OF THE CITY COUNCIL
AND THE BOARD OF DIRECTORS OF THE
COTATI COMMUNITY REDEVELOPMENT AGENCY
WEDNESDAY AUGUST 10, 2011
6:00 PM CLOSED SESSION, 7:00 PM REGULAR SESSION
City Council Chambers, City Hall, 201 W. Sierra Avenue

The Cotati City Council welcomes you to its meetings that are generally scheduled for the 2nd and 4th 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. For questions about the agenda or to receive the City Council Agenda by e-mail, contact the Deputy City Clerk at ttaylor@ci.cotati.ca.us or 707-665-3622.

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 comments to three 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.

6:00 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)

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation (Subdivision (a) of Section 54956.9)

Name of case: In re Walter and Cotati, PERS Case No. 2010-0142

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

REPORT OUT OF CLOSED SESSION

ROLL CALL

PLEDGE OF ALLEGIANCE

- 1. APPROVAL OF MINUTES OF JULY 27, 2011 REGULAR MEETING AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (City Manager) (Action)**

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.

CITY MANAGER'S REPORT

APPROVAL OF FINAL AGENDA

CITIZEN BUSINESS

Any member of the public wishing to speak to the Council on any item or items listed on the Consent Calendar or any item or items not listed on the agenda that are within the subject matter jurisdiction of the Council may do so at this time. Pursuant to the Brown Act, the Council is not allowed to consider issues or take action on any item not listed on the agenda during this period. Comments of any member of the public are normally restricted to a total of three (3) minutes in length per person for matters not on the agenda and a total of three (3) minutes per person in length for items on the Consent Calendar.

DIRECTION ON FUTURE AGENDA ITEMS

PRESENTATION

COMMUNITY CHOICE AGGREGATION

Representatives of the Sonoma County Water Agency will present information regarding the option of Community Choice Aggregation to meet municipal electrical energy needs.

CONSENT CALENDAR

- 2. ADOPTION OF A RESOLUTION APPROVING A MASTER LEASE/PURCHASE AGREEMENT TO FINANCE THE ACQUISITION OF THREE NEW POLICE VEHICLES AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT (Administrative Services) (Action)**

It is recommended that the City Council adopt a resolution approving a master lease/purchase agreement to finance the acquisition of three new police vehicles and authorizing the City Manager to execute said agreement

- 3. CANCELLATION OF AUGUST 24, 2011 REGULAR CITY COUNCIL MEETING (City Manager) (Action)**

It is recommended that the City Council adopt a motion to cancel the Regular City Council meeting of August 24, 2011

- 4. APPROVAL OF 2011 ACCORDION FESTIVAL AND ASSOCIATED STREET CLOSURES (Community Development) (Action)**

It is recommended that the City Council adopt a resolution approving the 2011 Accordion Festival and the temporary closure of certain public streets.

REGULAR AGENDA

- 5. APPOINTMENT OF A VOTING DELEGATE AND ALTERNATE TO THE 2011 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE (City Manager) (Action)**

It is recommended that the City Council adopt a motion appointing a Voting Delegate and up to two Alternates to the 2011 League of California Cities Annual Conference and authorize the Mayor to sign the 2011 Annual Conference Voting Delegate Form.

- 6. AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR FINAL DESIGN AND CONSTRUCTION SUPPORT FOR THE COTATI INTERMODAL FACILITY (Engineering/Public Works) (Action)**

It is recommended that the City Council adopt a motion authorizing the City Manager to execute a design agreement to finish the design of the Cotati Intermodal Facility and provide construction support.

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

CONSENT CALENDAR (JOINT MEETING)

The following items listed on the Consent Calendar are considered routine in nature and require little or no further discussion by the Council, public or applicant and action may be taken by the City Council by a single motion. Unless already having done so under Citizen Business, any member of the public may comment at this time on items on this Consent Calendar prior to the Council's consideration of the Consent Calendar. Comments of on the Consent Calendar are normally restricted to a total of three (3) minutes in length per person. Any member of the Council may request that any listed item be removed from the Consent Calendar. That item shall be placed on the Regular Agenda section of the Council meeting and considered by the Council as other matters on the Regular Agenda portion of the Agenda.

7. APPROVAL OF RESOLUTION ADOPTING AN ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34169 (Administrative Services) (Action)

It is recommended that the City Council/Redevelopment Agency approve a resolution adopting an enforceable obligation payment schedule pursuant to Health and Safety Code Section 34169

REGULAR AGENDA

8. APPROVAL OF AGREEMENT WITH OWNER OF PROPERTY LOCATED AT 7883 OLD REDWOOD HIGHWAY AND A PORTION OF THE PROPERTY LOCATED AT 7971 OLD REDWOOD HIGHWAY (APN 144-200-001 AND PORTION OF APN 144-200-004) FOR EXCLUSIVE RIGHT TO NEGOTIATE AND AUTHORIZATION OF CITY MANAGER TO EXECUTE THE AGREEMENT (City Manager) (Action)

It is recommended that the City Council/Redevelopment Agency adopt a motion to approve an agreement with the owner of property located at 7883 Old Redwood Highway and a Portion of the Property Located at 7971 Old Redwood Highway (APN 144-200-001 and portion of APN 144-200-004) for exclusive right to negotiate, and to authorize the City Manager to execute the agreement.

PUBLIC HEARING (JOINT MEETING)

9. FISCAL YEAR 2011-2012 CAPITAL IMPROVEMENT PROGRAM (Engineering/Public Works) (Action)

It is recommended that the City Council/Redevelopment Agency adopt a resolution approving the proposed Fiscal Year 2011-2012 Capital Improvement Program.

10. INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI AUTHORIZING THE CITY TO MAKE CERTAIN REMITTANCES TO THE COUNTY AUDITOR CONTROLLER IN ACCORDANCE WITH HEALTH AND SAFETY CODE SECTION 34194 AND TO TAKE ALL OTHER ACTIONS REQUIRED IN ORDER TO CONTINUE REDEVELOPMENT ACTIVITIES IN THE CITY OF COTATI (Administrative Services) (Action)

It is recommended that the City Council/Redevelopment Agency introduce an Ordinance authorizing the City to make certain remittances to the County Auditor Controller in accordance with Health and Safety Code Section 34194 and to take all other actions required in order to continue redevelopment activities in the City.

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

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 August 5, 2011.

/s/ Tamara Taylor, Deputy City Clerk



MINUTES
REGULAR CITY COUNCIL MEETING, JOINT MEETING OF THE CITY COUNCIL
AND THE BOARD OF DIRECTORS OF THE
COTATI COMMUNITY REDEVELOPMENT AGENCY
WEDNESDAY JULY 27, 2011
6:30 PM CLOSED SESSION, 7:00 PM REGULAR SESSION
City Council Chambers, City Hall, 201 W. Sierra Avenue

6:30 PM CLOSED SESSION

CALL TO ORDER (CITY COUNCIL CHAMBERS)

Mayor Orchard called the closed session to order at 6:30 p.m.

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

Councilmember absent: Dell'Osso.

Mayor Orchard opened the floor to public comment on the closed session item; there being no one wishing to speak, Mayor Orchard closed the public comment period and adjourned to closed session.

ADJOURNMENT TO CLOSED SESSION (CITY MANAGER'S OFFICE)

CONFERENCE WITH LEGAL COUNSEL Existing Litigation (Subdivision (a) of Section 54956.9)
Name of case: In re Walters and Cotati, PERS Case No. 2010-0142

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 7:02 p.m.

REPORT OUT OF CLOSED SESSION

ROLL CALL

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

Councilmember absent: Dell'Osso.

Staff present: Director of Administrative Services Jone Hayes, City Engineer/Director of Public Works Damien O'Bid, Community Development Director Vicki Parker, 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 JULY 13, 2011 REGULAR MEETING AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (City Manager) (Action)

Moved by Councilmember Gilardi, seconded by Vice Mayor Harvey and passed 4-0-1 (Councilmember Dell'Osso absent) to approve the minutes of the July 13, 2011 Regular meeting minutes 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.

CITY MANAGER'S REPORT

City Manager Dianne Thompson provided an update on the Cotati signage on the Highway 101 improvement project.

APPROVAL OF FINAL AGENDA

No changes.

CITIZEN BUSINESS

Joyce Garcia asked the Council whether the City has an emergency preparedness plan and asked for details on the plan.

Mayor Orchard directed staff to speak with Ms. Garcia to address her questions.

DIRECTION ON FUTURE AGENDA ITEMS

None.

CONSENT CALENDAR (NO ITEMS)

REGULAR AGENDA

2. STATUS REPORT ON SONOMA COUNTY/CITY SOLID WASTE ADVISORY GROUP (SWAG) (City Manager) (Action)

City Manager Dianne Thompson introduced Phil Demery, Public Works Director of Sonoma County Department of Public Works, and staff advisor to the Solid Waste Advisory Group (SWAG), who presented the status report and responded to questions from the Council regarding the reactions of other cities to the status report and SWAG's request for an analysis, waste screening options, waste containers, recycling requirements in various cities and areas, the increased costs involved in the farther 'upstream' the waste is sorted, and the cost effectiveness of education on recycling.

Mayor Orchard opened the floor to public comment.

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

Discussion ensued relative to the experienced and talented individuals on the SWAG research committee.

Moved by Councilmember Landman, seconded by Councilmember Gilardi and passed 4-0-1 (Councilmember Dell'Osso absent) to receive the Sonoma County/City Solid Waste Advisory Group (SWAG) report providing an update on activities; and to direct City of Cotati SWAG voting member to vote to proceed with a consultant study (to be funded by County of Sonoma) of the recommendations.

3. MEASURE M COOPERATIVE AGREEMENT AMENDMENT NO. 1 (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.

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

Moved by Councilmember Gilardi seconded by Vice Mayor Harvey and passed 4-0-1 (Councilmember Dell'Osso absent) to adopt a motion authorizing the City Manager to execute a cooperative agreement with the Sonoma County Transportation Authority (SCTA).

4. DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE MAYOR TO SIGN A LETTER TO THE CALIFORNIA CITIZENS REDISTRICTING COMMISSION EXPRESSING THE COUNCIL'S OPINION ON THE FORMULATION THE NEW STATE ASSEMBLY, STATE SENATE AND CONGRESSIONAL DISTRICT BOUNDARIES (City Manager) (Action)

City Manager Dianne Thompson presented the staff report.

Mayor Orchard opened the floor to public comment.

Joyce Garcia summarized her experience with the California Redistricting Commission and commented on the Commission's actions.

Greg Karraker commented on communities of interest and expressed opposition to sending a letter to the Commission.

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

Discussion ensued with the Council concurring to send a letter supporting the proposed Congressional and State Assembly districts and expressing concern about Cotati's representation and voice with the proposed State Senate district.

Moved by Councilmember Landman, seconded by Councilmember Gilardi and passed 4-0-1 (Councilmember Dell'Osso absent) authorizing the Mayor to sign a letter to the California Citizens' Redistricting Committee expressing the Council's opinion on the proposed boundaries.

5. APPOINTMENTS TO MAYORS' AND COUNCILMEMBERS' ASSOCIATION COMMITTEES (City Manager) (Action)

City Manager Thompson presented the staff report.

Mayor Orchard opened the floor to public comment.

Greg Karraker spoke in opposition to supporting Tiffany Renee.

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

Discussion ensued, with Council concurring in support for Tiffany Renee for the ABAG Regional Planning Committee and Laurie Gallian North Bay Division, League of California Cities Executive Board Alternate.

Mayor Orchard called a recess at 8:01 p.m. and reconvened the meeting at 8:17 p.m.

PUBLIC HEARING

6. REQUEST FOR APPROVAL OF DESIGN REVIEW AND A MINOR USE PERMIT FOR THE VILLAGE WALK SUBDIVISION LOCATED AT 690 EAST COTATI AVENUE (Community Development) (Action)

Assistant City Planner Misti Harris presented the staff report.

The applicants, presented a summary of the proposal.

Mayor Orchard opened the public hearing

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

The applicants responded to questions relative to guest parking, the possibility of a community garden in the park, the affordable units, the optional solar program,

Discussion ensued relative handicapped accessibility and the street names.

Moved by Councilmember Landman, seconded by Vice Mayor Harvey and passed 4-0-1 (Councilmember Dell'Osso absent) to adopt Resolution No. 2011-54 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI APPROVING DESIGN REVIEW AND A MINOR USE PERMIT TO ALLOW VILLAGE WALK, A 46-UNIT RESIDENTIAL PROJECT, LOCATED AT 690 EAST COTATI AVENUE.

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 8:44 p.m.

CONSENT CALENDAR (JOINT MEETING)

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

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

Moved by Vice Mayor Harvey, seconded by Councilmember Gilardi and passed 4-0-1 (Councilmember Dell'Osso absent) to approve items 7 and 8 on the joint meeting consent calendar.

7. WARRANTS AND AUDITED CLAIMS JUNE 23, 2011 – JULY 13, 2011 (Administrative Services) (Action)

This motion receives and files Warrants and Audited Claims for June 23, 2011 – July 13, 2011.

8. SETTING A PUBLIC HEARING FOR THE CAPITAL IMPROVEMENT PROGRAM (Engineering/Public Works) (Action)

Resolution No. 2011-55 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ESTABLISHING A PUBLIC HEARING DATE FOR CONSIDERATION OF THE CAPITAL IMPROVEMENT PROGRAM

Mayor Orchard re-opened the public comment period for item no. 8.

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

Mayor Orchard opened the floor to public comment.

George Barich commented on his experience with CIP workshop schedules and the cost of the CIP.

Moved by Vice Mayor Harvey, seconded by Councilmember Gilardi and passed 4-0-1 (Councilmember Dell'Osso absent) that this item not be reopened for another vote.

REGULAR JOINT AGENDA (NO ITEMS)

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

Mayor Orchard adjourned the joint meeting and reconvened the regular meeting at 8:52 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 8:55 p.m. to closed session as noted at the beginning of the meeting.

Respectfully submitted,

Tamara Taylor, Deputy City Clerk

City Council Agenda Consent Calendar

Subject: Adoption of a Resolution Approving a Master Lease/Purchase Agreement to Finance the Acquisition of Three New Police Vehicles and Authorizing the City Manager to Execute Said Agreement.

Date: August 10, 2011

Written By: Jone Hayes, Administrative Services Director

Recommendation

It is recommended that the City Council adopt a Resolution Approving a Master Lease/Purchase Agreement to Finance the Acquisition of Three New Police Vehicles and Authorizing the City Manager to Execute Said Agreement.

Background

The City of Cotati Police department currently has three Police vehicles with high mileage. The Cotati Police department routinely replaces high mileage vehicles to ensure officer safety and to reduce the cost of fleet maintenance. The use of the lease purchase allows the city to purchase these vehicles and avoid a large initial capital outlay until the vehicle replacement fund is in place.

Analysis/Discussion

Adoption of the attached resolution will enable staff to proceed with the purchase of three new Police vehicles. The vehicles will be financed utilizing a Municipal lease program through Leasource Financial Services, who are offering an interest rate of 5.27%. This rate is better than the A.P.R. of 5.95% currently offered by Ford Motor Credit Company. The term of the lease will be for three years. The vehicle lease purchase expenditure was included in the Adopted Fiscal Year 2011-2012 Budget.

In addition, in accordance with the vehicle replacement program, the City will also initiate contributions to a vehicle replacement fund, so that the vehicles can be replaced directly with reserves at the end of their service lives.

Financial Considerations

Two of the vehicles, fully upfitted for police service, cost \$29,555 with the third vehicle cost at \$29,448. These costs include reuse of all serviceable equipment from existing vehicles that are

slated for auction. The total cost, including the cost of financing, over three years is \$ 93,146.43. Annual payment of \$31,048.81 includes an interest rate of 5.27%.

In accordance with the City's purchasing policy, the vehicles are being purchased at a pre-existing public bid price.

Environmental Issues

None.

Attachments:
Proposed resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI APPROVING A MASTER LEASE/PURCHASE AGREEMENT TO FINANCE THE ACQUISITION OF THREE NEW POLICE VEHICLES AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT

WHEREAS, the City Council of the City of Cotati (the “Lessee”) has determined that a true and very real need exists for the acquisition of the Equipment described in the Master Lease/Purchase Agreement (the “Lease”) with Leasource Financial Services (the “Lessor”) presented to this meeting. Lessee has determined that it is necessary, desirable and in their best interest to enter into the Lease for the purposes therein specified, and the execution and delivery are hereby approved, ratified and confirmed, and

WHEREAS, the governing body of Lessee has taken the necessary steps, including any legal bidding requirements, under applicable law to arrange for the acquisition of such Equipment. Lessee designates and confirms that persons executing this Lease are authorized to execute, deliver and witness any and all related documents necessary to the consummation of this lease.

NOW, THEREFORE BE IT RESOLVED that:

- a. the City Council of the City of Cotati hereby represents that this Lease is to be a “qualified tax-exempt obligation” pursuant to Section 265(B) (3) (c) of the IRS Code of 1986(the “Code”) as amended; and
- b. Lessee has not issued, and reasonably anticipates that it will not issue Tax Exempt obligations in the amount exceeding \$10,000,000.00 during the current calendar year.

* * *

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 10th day of August, 2011 by the following vote, to wit:

ORCHARD _____
HARVEY _____
DELL’OSSO _____
GILARDI _____
LANDMAN _____

Approved: _____
Janet Orchard, Mayor

Attest: _____
Tamara Taylor, Deputy City Clerk

City Council Agenda Consent Calendar

Subject: Cancellation of August 24, 2011 Regular City Council Meeting

Date: August 10, 2011

Written by: Dianne Thompson, City Manager

Recommendation

It is recommended that the City Council adopt a motion to cancel the Regular City Council meeting of August 24, 2011

Background

The City Council has traditionally cancelled one meeting during the summer months. It is the City's position that the August 24, 2011 Regular City Council meeting be cancelled. The next Regular City Council meeting would be scheduled for September 14, 2011.

Analysis/Discussion

Not applicable.

Financial Considerations

Not applicable.

Environmental Issues

None.

Attachments:

None.

DT:tlt

City Council Agenda Consent Calendar

Subject: Approval of 2011 Accordion Festival and associated street closures

Date: August 10, 2011

Written by: Vicki Parker, Community Development Director

Recommendation

It is recommended that the City Council adopt a resolution approving the 2011 Accordion Festival and the temporary closure of certain public streets.

Background

The 21st Annual Cotati Accordion Festival is proposed for Saturday, August 20, and Sunday, August 21, 2011. The event coordinators are requesting permission to use La Plaza Park, including the bandstand with electricity, and right-of-way surrounding the park. The event and the request to utilize City facilities are the same as prior years.

Analysis/Discussion

La Plaza Park, as well as La Plaza Street and West Sierra Avenue adjacent to the park, would be closed from 8:00 a.m. Friday, August 19th through 11:00 a.m. Monday, August 22nd. The event hours would be 9:30 a.m. to 9:00 p.m. both days, with live music played 9:45 a.m. to 8:30 p.m. each day.

The proposed traffic routing plan would be the same as that used over the past eleven years. La Plaza Street and West Sierra Avenue, adjacent to the park would be closed and utilized for parking and event space. This traffic plan has reduced negative community impact by keeping Old Redwood Highway and East Cotati Avenue open throughout the event. The plan also allows for parking on William Street, Olof Street, Henry Street and La Plaza Avenue between East Cotati Avenue and Old Redwood Highway and affects only one bus stop.

As in recent years, the City would install “No Parking” signs in the bicycle lanes on West Sierra Avenue from La Plaza Avenue to East School Street. This also ensures that bicycle lanes remain open for their designated use.

Exhibits “A” and “B” to the attached resolution describe the street closures and parking restrictions necessary to allow for the orderly movement of vehicle and pedestrian traffic during street closure. All parking restriction signage will be put in place by the City at least twenty-four (24) hours in advance.

Financial Considerations

In past years, event sponsors have paid fixed fees for use of the park and public street closures, and have deposited monies to offset costs of City field staff time necessary for closing streets, posting notices and general maintenance such as securing unneeded City equipment and locking/unlocking restrooms. Fees paid and cost reimbursement of prior year events are shown in Table 1, together with Fiscal Year 11-12 fees and estimated costs. Staff has proposed a deposit for this year’s event in an amount identical to last year’s deposit as costs are expected to be similar. Following the event, an accounting of actual costs will be completed and sponsors will either be given a refund of unspent monies or asked to deposit additional funds to cover unanticipated costs.

Historically, administrative staff costs incurred for activities such as staff report preparation, event notification mailings and pre-planning, as well as Police and Administrative Services review time, have been waived. Staff is recommending these costs again be waived for this year’s event. For the Council’s information, costs incurred for administrative staff time this year total approximately \$326.52.

Table 1.

	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12
Street Closure Fee	0.00	0.00	250.00	250.00	250.00
Park Rental Fee	0.00	0.00	600.00	600.00	600.00
Total Fees Paid	0.00	0.00	850.00	850.00	850.00
Deposit	2268.47	4144.46	1708.29	1665.99	1582.57
Field Staff Charges	2321.78	885.60	1708.29	1582.57	1582.57
Refunds, if any	-53.31	-3258.86	0.00	-83.42	-
Total Fees and Charges	2321.78	885.60	2558.29	2432.57	2432.57

Notes:

FY 11-12 staff charges are estimates.

Charges in FY 07-08 were underpaid by \$53.31.

Sponsors in FY 08-09 paid for cost of barricades only; no staff charges were assessed.

Conclusion

Staff is recommending that the Council approve the 2011 Accordion Festival event, including the sale of alcoholic beverages on public property, amplified music, and the closure of certain public streets. Total estimated charges recommended for cost reimbursement to the City for this year’s event are \$1,542.57 in addition to \$850.00 in non-refundable fees.

Attachments:

1. Proposed resolution approving event
2. Written description
3. City Council Minutes (excerpt), June 23, 2010

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI
APPROVING THE 21ST ANNUAL COTATI ACCORDION FESTIVAL;
AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS, THE
USE OF AMPLIFIED LIVE ENTERTAINMENT AND THE SALES OF
ALCOHOLIC BEVERAGES IN LA PLAZA PARK**

WHEREAS, the Cotati Accordion Festival submitted an application to the City for the 21st Annual Cotati Accordion Festival scheduled for August 20 and 21, 2011; and

WHEREAS, California Vehicle Code Section 21101(e) authorizes temporary street closures where certain conditions exist; and

WHEREAS, it will be necessary to temporarily close certain streets, as described in Exhibits “A” and “B,” to facilitate these events; and

WHEREAS, the Chief of Police of the City of Cotati shall arrange for temporary street closure and traffic rerouting, which will minimize the traffic hazard conditions and allow for orderly movement of traffic; and

WHEREAS, the Chief of Police shall contact the Rancho Adobe Fire Protection District, ambulance service providers, bus service providers, and others who may need ingress, egress, or the ability to traverse the affected area and will reasonably provide for their needs; and

WHEREAS, the City Council finds that these events are part of a comprehensive community economic development strategy; and

WHEREAS, the City Council further finds that the health, safety, and welfare of the citizens of the City of Cotati will not be jeopardized by the approval of these events.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cotati that the Chief of Police is to affect certain temporary street closures as described in Exhibits “A” and “B,” and that the Chief of Police is to communicate needed temporary street closure and traffic rerouting to fire, ambulance, and other emergency providers, including a plan for accessibility; and

BE IT FURTHER RESOLVED by the City Council of the City of Cotati that the 21st Annual Cotati Accordion Festival is approved; that the use of amplified live entertainment and the sales of alcoholic beverages in La Plaza Park are authorized. This event is more specifically described in and subject to the Conditions of Approval attached as Exhibit “A.”

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 10th day of August 2011, by the following vote, to wit:

ORCHARD _____
DELL'OSSO _____
HARVEY _____
GILARDI _____
LANDMAN _____

Approved: _____
Janet Orchard, Mayor

Attest: _____
Tamara Taylor, Deputy City Clerk

Approved as to form:

Rich Rudnansky, City Attorney

CITY COUNCIL RESOLUTION NO. [To be inserted by Deputy City Clerk]

**“EXHIBIT A”
CONDITIONS OF APPROVAL**

All events

1. The applicant is granted exclusive use of La Plaza Park including closing La Plaza Street and West Sierra Avenue adjacent to the park for the event from Friday, August 19th at 8:00 a.m. through Monday, August 22nd at 11:00 a.m. for the event scheduled from 9:30 a.m. to 9:00 p.m. both days. This approval includes live amplified entertainment from 9:45 a.m. to 8:30 p.m. both days.
2. The applicant shall submit fees in the amount of \$850.00 and a deposit of \$1,582.57 to cover the approximate staff costs to perform the street closures, noticing and general maintenance within 7 days of approval of this event. Any remaining balance of the deposit shall be refunded to the applicant within 60 days of the event.
3. The applicant shall apply for a permit from the Fire District at least 10 days prior to the event for the assembly tents.
4. The applicant shall obtain a Daily License from the Department of Alcoholic Beverage Control (ABC) for each market day. The City authorizes the sale and consumption of beer and wine.
5. The applicant shall obtain the required permits and follow all regulations from the Sonoma County Environmental Health Department, and shall ensure each food vendor complies with Health Department requirements.
6. The applicant shall operate this event under a single business license covering vendors that do not presently have a City of Cotati business license. The applicant shall be responsible for collecting a \$15 business license fee from each vendor and remitting payment to the City within 30 days of the end of each event. The applicant shall remit payment for all vendor business license fees not collected.
7. The applicant shall ensure the public facilities (park, parking spaces, and streets) are cleaned completely and returned to pre-event condition prior to re-opening the streets.
8. The event shall be carried out as described in the written descriptions submitted by the applicant and in compliance with these Conditions of Approval.
9. The applicant shall be responsible for ensuring trash and recycling bins, portable toilets, and handwashing stations are delivered and collected.
10. The Police Department shall notify the appropriate agencies, businesses, and residents of street closures per California Vehicle Code Section 21101 (e). This Section authorizes the temporary closing of any street for celebrations, parades, local events and other purposes when, in the opinion of local authorities having jurisdiction, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.
11. Public Works shall be responsible for installing a banner over Old Redwood Highway no less than 10 days prior to the event.

12. Public Works shall be responsible for street closures, as listed below. The applicant shall be responsible for providing the barricades and delineators.
- a. **The following streets will be closed Friday, August 19, 2011, 8:00 a.m., through Monday, August 22, 2011, 11:00 a.m.:**
 - West Sierra Avenue between Old Redwood Highway and La Plaza
 - West Cotati Avenue from William/Olof Streets to La Plaza
 - La Plaza – from Old Redwood Highway to West Cotati Avenue
 - La Plaza – from West Cotati Avenue to West Sierra Avenue

 - b. **The following traffic lanes will be closed to through traffic between Friday, August 19, 2011, 8:00 a.m., through Monday, August 22, 2011, 11:00 a.m.:**
 - No. 2 Westbound Lane of East Cotati Avenue at the intersection of Old Redwood Highway
 - No. 1, left turn lane, of Old Redwood Highway onto West Sierra Avenue
 - Left turn lane on Old Redwood Highway, Northbound at La Plaza North

 - c. **The following streets may be designated “No Parking” in order to ease congestion on the detour routes:**
 - La Plaza – from West Sierra Avenue to Old Redwood Highway (South side of the roadway)
 - La Plaza – the first eight parking spaces running north from West Sierra Avenue to be blocked off on Thursday evening
 - West Cotati Avenue – from Olof Street to La Plaza (South side of the roadway)
 - West Sierra Avenue – from La Plaza to East School Street

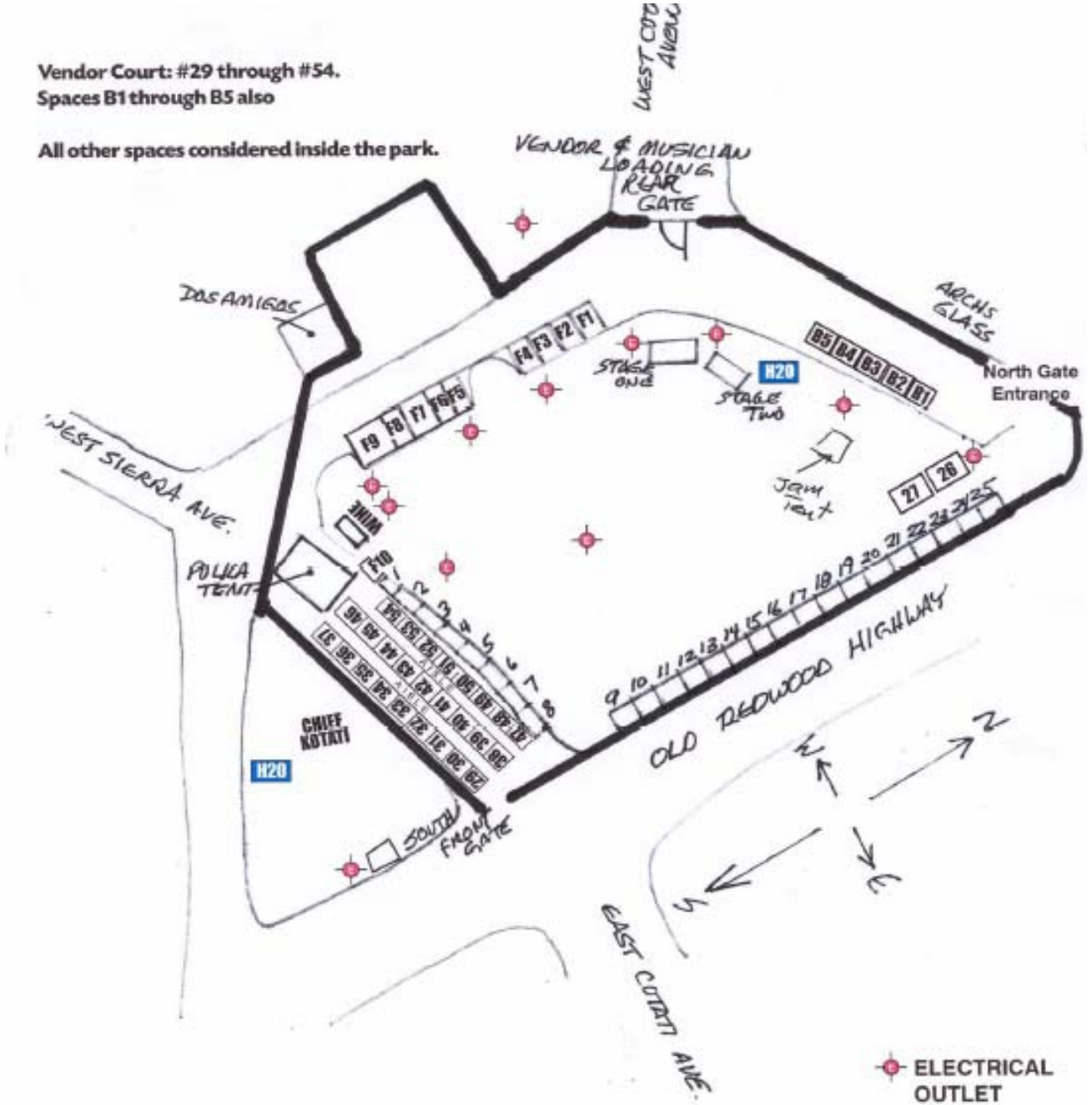
 - d. **The following street will be designated for “handicapped parking:”**
 - West Cotati Avenue (midblock) to La Plaza (North side of the roadway)

CITY COUNCIL RESOLUTION NO. [To be inserted by Deputy City Clerk]

**“EXHIBIT B”
SITE MAP**

Vendor Court: #29 through #54.
Spaces B1 through B5 also

All other spaces considered inside the park.



The TWENTY-FIRST Annual

COTATI Accordion Festival

August 20 & 21, 2011

www.cotatifest.com E-Mail: info@cotatifest.com

707-664-0444

P.O. Box 809, Cotati, California 94931

TWO WEEKS
PRIOR TO LABOR DAY

THE COTATI ACCORDION FESTIVAL
IS A NON-PROFIT ORGANIZATION WHICH
BENEFITS THE COTATI/ ROHNERT PARK
SCHOOLS PERFORMING ARTS, MUSIC
PROGRAMS AND OTHER
LOCAL YOUTH ORGANIZATIONS.

Donations
& Sponsorships
Gratefully
Accepted

Advertising & Booths: *Linda Conner*

Voice: 707-585-2910 Fax: 707-585-2920 Email: geolinda@pacbell.net

May 9, 2011

To: Misti Harris, Assistant Planner
From: Linda Conner, Co-Producer, CAF
Re: Description of the Cotati Accordion Festival for 2011

The Cotati Accordion Festival is a non-profit, multi-cultural, multi-generational musical event which has been staged in Cotati's La Plaza Park every August for the past 20 years – beginning in 1991. We will host over 20 live acts that weekend on four stages. The event is staffed by over 200 volunteers from CAF and the following service organizations:

Our volunteers receive all monies generated by the festival.
Last year we donated \$18,700 to the following groups:

1. Cotati Rohnert Park Ed Foundation - \$5000 (their largest cash donor)
2. Thomas Page Elementary School - \$5,000
3. Cotati-Rohnert Park Co-Op Nursery - \$5,000
4. Boy Scout Troup #4 - \$2,500
5. Penngrove PTA - \$1,200

We're now planning the 2011 event for Cotati. Info follows:

Dates: Saturday and Sunday, August 20-21, 2011
Gates Open: 9:30 am both days
Gates Close: 9:00 pm both days
Amplified Music is played from 9:45 to 8:30 both days

Please refer to the attached map for the layout for the festival. It includes all the available vendor spots – most of which will be occupied that weekend. The black heavy border shows you the location of the fences we'll be erecting after streets are closed at 10:00 am on Fri., August 19, 2011 and then it will be removed before the streets reopen at 10:00 am Mon., August 22, 2011.

You see there are three stages inside the park. Stage 1, Stage 2, and the Polka Tent. Stage 1 and Stage 2 alternate acts ... one plays while the other sets up so the music is continuous. They are amplified. There is also a jam tent where accordionists gather to play together. Not amplified. (see map)

Cotati Accordion Festival SPONSORS

Please join us!

Call
707-664-0444



Volker Financial
& Insurance Services

Community VOICE

Oliver's
MARKET



Sonoma Family Life
magazine

BOHEMIAN



We also have a venue at Friar Tucks in Cotati. They will have zydeco music from 1:00-5:00 pm both days.

In the polka tent, we will have live polka music and dancing from 1-5 both days and zydeco music and dancing from 5:00-6:30. This music is also amplified but quiet enough as to not compete with the Stages 1 and 2.

Attendees can enter either through the north or south entrances marked on the map. Vendors, artists and staff will enter and exit through the gate on West Cotati Ave. behind the bandstand.

No food, drinks, coolers, or pets are allowed into the park. Exceptions are made for water bottles and service animals. The Thomas Page School Volunteers are responsible for checking bags and backpacks before guests enter the park.

Volunteers from the Cotati-Rohnert Park Co-op will be providing security for the event. They will be sure that only people with appropriate parking passes may drive in with cars at the gate behind the stage on West Cotati Ave. Only cars with CAF parking passes may enter the fenced in area.

Both Friday and Saturday nights we will have two security guards employed to walk the fence and make sure no one enters the park. They also make sure no vendors stay inside the park overnight. Most likely the guards will come from Weinstein Security. They arrive before the staff leaves the park (about 10:30 pm and stay until the staff arrives the next day about 6:30 am.

Beer and wine will be available from 9:45 to 8:30 both days. The beer and wine sales are handled by volunteers from the Ed Foundation and our CAF staff. Ed Foundation is responsible for checking IDs. Beer will be located in a truck in vendor spot #9 (refer to map). Wine will be sold from the wine tent nearby (refer to map). Of course we'll have a liquor license. Our pourers are experienced and instructed to refuse service to anyone who is obviously intoxicated and a potential problem.

We have numerous food vendors in spots F1-F10 (see map). The Sonoma County Health Dept. shows up bright and early Saturday morning to make sure all's in compliance with county guidelines.

Our other vendors sell accordion-related merchandise and both manufactured and hand-made goods. We'll also have organizations who will rent booth space to advertise their services for purchase as a later date.

Attendees, vendors, and artists alike are clamoring to be part of our event. There is great fun and good will both during and after the festival.

I have been involved for all 21 years, the past three as a co-producer. Please let me know if you need any more info about the festival. We are working on the insurance also and you've seen I've written to Sgt. Bourns about the street closures.

Thanks for your help. It's a big task.

Sincerely,



Linda L. Conner
Co-Producer, CAF
707-585-2910

5. REDWOOD EMPIRE WEIGHTLIFTING CHAMPIONSHIPS EVENT IN LA PLAZA PARK (Police) (Action)

This motion: 1) Approves the use of La Plaza Park and the Bandstand on Saturday, July 3, 2010 between the hours of 6:30 AM and 8:00 PM for the Redwood Empire Weightlifting Championships; 2) Authorize amplified announcing and music in La Plaza Park between the hours of 9:00 AM and 7:00 PM; 3) Authorizes selling and consumption of Alcoholic Beverages in La Plaza Park; and 4) Authorizes the temporary closure of four parking spaces to the rear of the Bandstand to serve as the warm-up area.

6. ACCORDION FESTIVAL EVENT IN LA PLAZA PARK (Police) (Action)

This item was heard immediately prior to item 13.

Chief of Police Robert Stewart presented the staff report and responded to questions regarding fees paid by the organizers for their past events.

Scott Goree, the applicant, expressed concern that he only recently received a copy of the staff report. He discussed the fees paid previously and spoke in support of having the fees waived.

City Manager Dianne Thompson commented on the staff report and indicated that the Council may continue the item or take action tonight.

At Mayor Coleman-Senghor's question, Mr. Goree indicated willingness to have the item continued.

Mayor Coleman-Senghor noted that he would open public comment and then entertain a motion to continue the item.

Mayor Coleman-Senghor opened the floor to public comment.

Kathryn Wickstrom spoke in support of a compromise regarding the waiving of the fees.

Greg Karraker spoke in support of the Accordion Festival and of compromising on the waiving of the fees.

George Barich spoke in support of the event organizers paying all of the required fees.

Ken Coleman of Cotati spoke in support of the event organizers paying all of the required fees.

Eric Kirchmann discussed the history of the Accordion Festival.

Linda Connor spoke in support of the Council waiving the soft costs for the event.

Scott Goree indicated agreement with Linda Connor's comments.

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

Discussion ensued regarding the waiving all or some of the fees and costs, park use fees, need for a policy relating to fee waivers, recent events where no fees were waived and the significance of the Accordion Festival to Cotati.

Councilmember Gilardi expressed support for waiving the soft costs for the event.

Staff responded to questions regarding park use policy and clarified the Accordion Festival event fees.

Further discussion ensued relative to the fees paid by the Accordion Festival organizers for last year's event and whether the item should be continued in order to allow the Council additional time to consider the proposed fees.

Moved by Councilmember Gilardi to adopt a resolution approving the Accordion Festival with the fees charged to be consistent with the 2009 fees and to schedule discussion of a policy for evaluating fee waiver requests on a future agenda.

Discussion ensued regarding remove the discussion of policy to evaluate fee waiver requests; Council concurred that this would be an item for the 'direction on future agenda items'.

Councilmember Gilardi amended the motion to approve item no. 7 (Accordion Festival) and have the fees be consistent with last year. Vice Mayor Orchard seconded the motion.

Mayor Coleman-Senghor and Councilmember Mark Landman indicated support for a continuance in order to allow the Council additional time to consider the proposed fees.

Councilmember Gilardi clarified the motion relating to fees: The applicant would pay 'no parking' sign preparation fee and placement and street closure fee ("hard costs") of \$1718.29, \$850 park use fee and \$15 per vendor.

Moved by Councilmember Gilardi seconded by Vice Mayor Orchard and passed 3-2-0 (Councilmember Landman and Mayor Coleman-Senghor voting no) to adopt Resolution no. 2010-25 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI AUTHORIZING TEMPORARY CLOSURE OF CERTAIN STREETS ON FRIDAY, AUGUST 20, 2010, THROUGH MONDAY, AUGUST 23, 2010, TO FACILITATE THE ACCORDION FESTIVAL, with the following fees: 'no parking' sign preparation fee and placement and street closure fee ("hard costs") of \$1718.29, \$850 park use fee and \$15 per vendor.

Mayor Coleman-Senghor called a recess at 9:29 p.m. and reconvened at 9:37 p.m.

Item No. 13 was heard at this time.

City Council Agenda Regular Agenda

Subject: Appointment of a Voting Delegate and Alternate to the 2011 League of California Cities Annual Conference

Date: August 10, 2011

Written by: Dianne Thompson, City Manager

Recommendation

It is recommended that the City Council adopt a motion appointing a Voting Delegate and up to two Alternates to the 2011 League of California Cities Annual Conference and authorize the Mayor to sign the 2011 Annual Conference Voting Delegate Form

Background

In preparation for its Annual Conference each year, the League of California Cities requires that member cities appoint a voting delegate who will vote on conference resolutions at the Annual Business meeting. Up to two Alternates should also be appointed. The voting delegate and Alternate(s) are customarily City Councilmembers who are planning to attend the Annual Conference. League bylaws also provide that the City Council may appoint a City official to serve as voting delegate or alternate if there will not be a sufficient number of Councilmembers in attendance.

This year's conference will be held on September 21-23 in San Francisco. The Annual Business Meeting is scheduled for 2:30 p.m. on Friday September 23.

Analysis/Discussion

None.

Financial Considerations

None.

Environmental Issues

None.

Attachment:

Memorandum from League of California Cities dated June 9, 2011

DT:tl

1400 K STREET
SACRAMENTO, CA 95814
PH: (916) 658-8200
EX: (916) 658-8240



Council Action Advised by August 26, 2011

RECEIVED
WWW.CACITIES.ORG
JUN 16 2011

CITY OF COTATI
CITY MANAGER/CITY CLERK

June 9, 2011

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – September 21–23, San Francisco**

The League's 2011 Annual Conference is scheduled for September 21-23 in San Francisco. An important part of the Annual Conference is the Annual Business Meeting (*at the closing General Assembly*), scheduled for 2:30 p.m., Friday, September 23, at the San Francisco Moscone West Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, August 26, 2011. This will allow us time to establish voting delegate/alternates' records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one person must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up

-more-

the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the San Francisco Moscone West Convention Center, will be open at the following times: Wednesday, September 21, 8:30 a.m. – 6:00 p.m.; Thursday, September 22, 7:30 a.m. – 4:00 p.m.; and September 23, 7:30–10:00 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but not during a roll call vote, should one be undertaken.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Friday, August 26th. If you have questions, please call Mary McCullough at (916) 658-8247.

Attachments:

- 2011 Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Annual Conference Voting Procedures 2011 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

2011 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, August 26, 2011. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

Please complete and return by Friday, August 26 to:

League of California Cities
ATTN: Mary McCullough
1400 K Street
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: mccullom@cacities.org
(916) 658-8247

City Council Agenda Regular Calendar

Subject: Authorizing the City Manager to Execute an Agreement for Final Design and Construction Support for the Cotati Intermodal Facility

Date: August 10, 2011

Written by: Damien O'Bid, City Engineer / Director of Public Works

Recommendation

It is recommended that the City Council adopt a motion authorizing the City Manager to execute a design agreement to finish the design of the Cotati Intermodal Facility and provide construction support.

Background

The Sonoma County Transit Agency (SCT) is managing Phase 1 of the Cotati Intermodal Facility. Phase I is the site development for all phases, intersection improvements at East Cotati Avenue and Santero Way, and construction of the parking and drop-off area on the west side of the SMART tracks.

The City is responsible for Phase II of the Cotati Intermodal Facility. Phase II is the construction of the pedestrian plaza and depot building. Phase II construction documents are 100% complete for the pedestrian plaza and 90% complete for the depot building, but need to be updated and finalized for construction. The attached design scope of work will complete this design work, produce bid-ready documents, and provide engineering support during construction.

The City intends to use a portion of the \$1.5M TLC grant to fund this design work, and it also can be used to partially meet the City's 20% grant matching requirement.

Analysis/Discussion

The proposed consultant team, DKS Engineers and Richard Thompson (architect), have been involved in the design of the Cotati Intermodal Facility to date, and have essentially completed the design. The remaining steps are to update the design to ensure it meets current codes, update the engineers cost estimate, and submit the design to the City for final plan check and revision. Once this is complete, the City can proceed with obtaining E-76 authorization to construct by February 2012. Currently, the County is expecting to be awarding the construction of Phase 1

(site improvements, signaling Santero/East Cotati, bus pull out, and parking lot) around January 2012, with construction commencing in the Spring of 2012. The City is expecting that Phase II (the depot building and pedestrian plaza) will commence construction in the Summer of 2012. Final track rehabilitation and construction of the train platforms by SMART is expected to occur between 2012 and 2014.

Financial Considerations

The costs associated with the design of the Intermodal Facility, including all required local match for the TLC grant (up to \$303,200), has been appropriated in the approved FY 11-12 budget (Fund 34 0900 71082). The not-to-exceed cost of the attached design agreement (\$92,200) can be applied to the required local match for the grant, or can be partially funded by the grant. The final split will be determined once construction is complete, such that the City's total match for both phases should not substantially exceed \$303,200.

The sale of a portion of the Intermodal facility property to the County for approximately \$588,000 is expected to fully fund the City's required local match, with the remainder available for other redevelopment projects.

Environmental Issues

All environmental issues have been, or currently are, being addressed with the construction documents.

Attachments:

1. Scope of Work for Final Design – DKS Engineers

November 15, 2010

Mr. Damien O'bid
City of Cotati
201 West Sierra Avenue
Cotati, CA 94931

**Subject: Cotati Transit Building and Plaza
Proposal for Bid and Construction Assistance**

A10x03-120

Dear Mr. Obid:

We are pleased to provide you with the fee proposal for finalizing the bid documents and providing Construction Assistance Services for the Cotati Transit Building and Plaza project. Our role will be to finalize the documents for issue to bid and assist staff assigned to manage the construction of the project. The following is a narrative of our understanding and assumptions.

Team Members

Our project team will be led by DKS Associates who will be the prime consultant. I will be the project manager for the work effort. Mark Spencer PE will be the Principal in Charge. We will be responsible for all site civil and electrical design aspects of the project. Richard Thompson of Thompson Associates will be the Project Architect. He developed the original design and will remain in responsible charge for the work going forward. Assisting him will be Bruce Montgomery PE who was involved with the transit building project previously. M. Niels Engineering will be responsible for any building electrical issues, and Carl Nelson PE will be responsible for any plumbing and heating/cooling issues. Don MacNair of MacNair Landscape Architecture will be handling design elements that are related to the landscape, irrigation and hardscape/street furnishings and decorative walls for the project. All members of the team will be working to finalize the design documents to make them bid ready. Richard Thompson will be responsible for quality assurance for the building and I will be responsible for the quality assurance for the site work. In addition, we have retained Davis Langdon Associates for preparing the project building cost estimate. DKS will support this effort with a site improvement cost estimate.

Understanding and Assumptions

The City of Cotati recently received a Federal grant for the construction of the transit building and plaza that is located on a City-owned site located on East Cotati Avenue near the SMART railroad right of way. Through mutual agreement, the City of Cotati will be the project lead and will be responsible for releasing the project to bid and for oversight and management of construction. The City will own and operate the building facility. The City is

pursuing clearance of the funding through the E-76 process. The City does not envision a significant role for the consultant in this endeavor regarding the E-76 process.

Earlier in the design process, the project was to be owned and maintained by Sonoma County Transit. Therefore the utility connections were arranged in such a fashion to centralize the meters for the various utilities. DKS will be responsible for revising the utility connections to the satisfaction of the City and Sonoma County.

The design for the building was performed under a separate contract between Richard Thompson and Sonoma County than the contract between Sonoma County and DKS Associates. There may be inconsistencies in project sheet page numbering and specifications as well as other minor coordination items that need to be rectified prior to issuing the project to bid.

In addition, the transit building project is intended to interface with a commercial project that was to abut the westerly side of the City transit building parcel. That proposed development has not materialized. Nonetheless, the City intends to attract a developer to that site and the plans currently reflect the future use of the commercial parcel.

The Bid Stage for the Cotati Park and Ride Phase 1 project is anticipated to commence in early part of 2011 and construction is anticipated to start in early Spring with a 5 month completion. The DKS team has been requested by the Sonoma County Transit Agency to assist during bid stage and construction stage.

It is the City's intent to finalize the transit building package as soon as possible so that it can go out to bid as soon as the E-76 clearance is complete and the funds are released for construction.

The design documents for the transit building have been completed by the project architect Richard Thompson. However, the documents have not undergone a plan check. Likewise the site improvements have been completed but the plans have not undergone a plan check. Therefore, we envision that the City staff will have some comments on the documents and the design team will need to make revisions to the documents. The City has stipulated that there will be no planning changes to the design, and there will be no special meetings.

Most of the documentation has been created in AutoCAD. The building elevations were prepared by manual drafting, however, and the City has stipulated that there is no need to convert architectural drawings to AutoCAD.

The City will need an updated cost estimate. The documents were prepared by the team several years ago. As a first order of work, we will prepare a capital cost estimate for the project. In the event that the building and plaza improvements as currently designed exceed the City funds to construct the project, the team will be requested to provide a proposal for additional services to revise the building design and or plaza design as is appropriate.

Per direction by the City:

- Services do not include any geotechnical testing services.
- Services do not include any construction stake out work.

Task 1 Finalize Bid Document Preparation

Data gathering and preparation of final bid documents:

The process will include pulling together the documentation from the various consultants and developing a unified plan and a unified specification and updated cost estimate. We will review the 95% construction document package and make revisions mandated by current code requirements (Building codes, Title 24, & ADA). We will also update the 95% cost estimate.

The plan documentation will be submitted to the city for plan check purposes. We estimate that this effort will take approximately 3 weeks from the receipt of a notice to proceed.

Additionally, we will also coordinate with PG&E on the electric and gas services. City water and sanitary sewer will be coordinated through you. The transit building and site storm drainage system will feed into the Sonoma County Transit system in the parking lot. The review of the stormwater by the County has been submitted but it remains outstanding and will have to be coordinated by Bryan Albee since the line that ties into the County storm drainage system enters from the SCT park and ride lot.

A meeting will be held with the City staff to review comments. This meeting may occur over the phone or in person depending upon the significance of the comments.

The team has estimated a value of \$15,000 included in the budget for the modifications of the plans to address the comments from the city staff. In the event that there is significant disparity between our estimated level of effort to modify the design as it currently stands and what is necessary to fulfill the comments from the City we will alert you before we embark on any changes to the plans.

Upon satisfactory completion of the plan changes, and specification changes, we will prepare a bid sheet and submit that to the City as bid documents.

We estimate that this effort will take approximately 3 weeks from the meeting or telephone conference where we discuss the comments from the City.

Deliverables

Five sets of bid documents in plan check form.

One set of reproducible documents bid ready.

Bid Assistance

Bid Assistance Phase:

- A. We will receive, review and respond to written bidders questions or telephone questions from City staff. Respond to bidders' questions related to the project (maximum of 10); estimated level of effort is 1 hour per request. Responses will be returned within 3 working days of receipt. If necessary, we will provide documentation for a bid addendum.

Deliverables

- *Responses to bidders questions*
- *Bid Addendum Input*

Construction Assistance

Construction Administration Phase

- A. Respond to construction related issues that may be raised by the construction manager assigned to the project. (20 hours budgeted).
- B. Respond to contractor generated Requests for Information (RFI's) related to the project (Maximum of 20) estimated level of effort average 3 hours per RFI.
- C. Review and approval or rejection of construction related submittals for equipment (maximum of 25 at 2 hours each per submittal).
- D. Review proposed deviations by Contractor (these could be substitutions of specified components for the project). Assume 5 at 2 hours each.
- E. Assisting the County's construction manager regarding change orders associated with the project. The appropriate member of our team will develop recommendations after reviewing contractor recommendations for plan modifications, and if necessary we will develop plans or sketches to assist the contractor in developing a cost proposal for the change order. These change orders will be due to field conditions or preferences resulting from client driven input (maximum of forty hours total).
- F. On-call engineering support during construction (site visit, review/analysis, document opinion) – assume four site visits at 4 hours per person i.e. up to 4 meetings (including documentation of the design team related action items).

RFI's will be returned within three working days of receipt. Submittals will be returned within five working days of receipt.

Deliverables

- *Submittal responses.*
- *RFI responses*
- *Change Order Input*

- *Notes of meetings attended by DKS.*
- *Substitution recommendations*

Record Drawings

At the conclusion of the construction phase, contractor will provide the City a set of redline markups of the changes that occurred during the construction as a result of change orders, preferences by the client or otherwise. DKS will prepare a set of record drawings in AutoCAD format.

Deliverables

Record drawings in reproducible format signed by the Engineer of Record.

Fee Proposal

Task	DKS	Subs
Bid Documents	14500	24100
Bid and Construction Assistance	15000	26500
Record Drawings	6500	
ODC/Sub Markup 10%	500	5100
Total		\$92,200

This updated fee for the above scope of work is based upon the level of effort described above and based upon our current fee schedule of 2010-11. Fees will be charged on an hourly basis. The proposed upper limit fee for these services is: \$ 92,200.00

November 15, 2010
Page 6 of 6

Terms of the contract will be in accordance with local city contract. DKS retains the right to review a draft form of the contract for insurability and equity.

This proposal is valid for a period of ninety days. If you have any questions regarding this proposal, please contact me at your convenience. You can reach me at 510-267-6615.

Sincerely,

DKS Associates
A California Corporation



Thomas J. Krakow, PE
Project Manager

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

Subject: Approval of a Resolution Adopting an Enforceable Obligation Payment Schedule Pursuant to Health and Safety Code Section 34169

Date: August 10, 2011

Written By: Jone Hayes, Director of Administrative Services

RECOMMENDATION:

It is recommended that the City Council/Redevelopment Agency approve a Resolution of the Cotati Community Redevelopment Agency adopting an Enforceable Obligation Payment Schedule pursuant to Health and Safety Code Section 34169

Background:

California Redevelopment Law Section 34169(g)(enacted pursuant to Assembly Bill x1 26) requires the Agency to adopt an Enforceable Obligation Payment Schedule that lists all of the obligations that are “enforceable obligations” within the meaning of subdivision (d) of Section 34167 of the CRL and which includes the following information about each such obligation:

- (A) The project name associated with the obligation.
- (B) The payee.
- (C) A short description of the nature of the work, product, service, facility, or other thing of value for which payment is to be made.
- (D) The amount of payments obligated to be made, by month, through December 2011;

Analysis/Discussion

Adoption of the schedule will allow the City and Agency to comply with state law.

Enforceable obligations include bonds, loans, and set aside reserves as required for bonds.

Financial Considerations:

Adoption of the resolution ensures that all required payments can be made.

Environmental Issues:

None.

Attachment: Proposed resolution

RESOLUTION NO. _____ AND CRA - _____

**A RESOLUTION OF THE COTATI COMMUNITY REDEVELOPMENT AGENCY
ADOPTING AN ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT
TO HEALTH AND SAFETY CODE SECTION 34169**

WHEREAS, the Cotati Community Redevelopment Agency (“Agency”) is a redevelopment agency formed, existing and exercising its powers pursuant to California Community Redevelopment Law, Health and Safety Code Section 33000 *et seq.* (“CRL”);

WHEREAS, pursuant to subdivision (g) of Section 34169(g) of the CRL (enacted pursuant to Assembly Bill x1 26), the Agency is required to adopt an Enforceable Obligation Payment Schedule that lists all of the obligations that are “enforceable obligations” within the meaning of subdivision (d) of Section 34167 of the CRL and which includes the following information about each such obligation:

- (A) The project name associated with the obligation.
- (B) The payee.
- (C) A short description of the nature of the work, product, service, facility, or other thing of value for which payment is to be made.
- (D) The amount of payments obligated to be made, by month, through December 2011;

WHEREAS, an Enforceable Obligation Payment Schedule, a copy of which is attached as Exhibit A, has been presented to the Agency, the Agency is familiar with the contents thereof, and the Executive Director has recommended approval of said Schedule subject to the contingencies and reservation of rights set forth in this Resolution;

WHEREAS, the Agency understands and believes that an action challenging the constitutionality of Assembly Bill x1 26 and Assembly Bill x1 27 has been filed on behalf of cities, counties and redevelopment agencies;

WHEREAS, the Agency reserves the right to challenge the legality of Assembly Bill x1 26 and Assembly Bill x1 27;

WHEREAS, the Agency reserves the right to amend the Enforceable Obligation Payment Schedule;

WHEREAS, in adopting the Enforceable Obligation Payment Schedule, the Agency does not intend to waive, nor shall the Agency be deemed to have waived any rights the Agency or its successor may have pursuant to or in connection with any obligation listed on such Schedule, including without limitation, the right to modify, amend, terminate or challenge any obligation listed on such Schedule;

NOW, THEREFORE, BE IT RESOLVED by the Cotati Community Redevelopment Agency that it hereby:

1. Finds that the Recitals set forth above are true and correct, and are incorporated herein by reference.
2. Adopts the Enforceable Obligation Payment Schedule attached hereto, subject to all reservations of rights and contingencies set forth above.
3. Authorizes the Agency's Executive Director or designee to take all actions necessary to implement this Resolution, including without limitation, the posting of this Resolution and the Enforceable Obligation Payment Schedule on the Agency's [or City's] website, and the provision of notice of adoption of this Resolution and such Schedule to the County Auditor-Controller, the State Controller and the State Department of Finance.
4. Declares that if any provision, sentence, clause, section or part of this Resolution is found to be unconstitutional, illegal or invalid, such finding shall affect only such provision, sentence, clause, section or part, and shall not affect or impair any of the remaining parts.

IT IS HEREBY CERTIFIED that the foregoing resolution was duly introduced and legally adopted at a regular joint meeting of the City Council and the Community Redevelopment Agency of the City of Cotati held on the 10th day of August, 2011 by the following vote, to wit:

DELL'OSSO	_____
GILARDI	_____
HARVEY	_____
LANDMAN	_____
ORCHARD	_____

Approved: _____
Janet Orchard, Mayor

Attest: _____
Tamara Taylor, Deputy City Clerk

Approved as to form:

Rich Rudnansky, City Attorney

Exhibit A to follow

Joint Meeting of City Council and Redevelopment Agency Board of Directors Agenda Regular Agenda

Subject: Approval of Agreement with owner of Property Located at 7883 Old Redwood Highway and a Portion of the Property Located at 7971 Old Redwood Highway (APN 144-200-001 and Portion of APN 144-200-004) for Exclusive Right to Negotiate and Authorization of City Manager to Execute the Agreement.

Date: August 10, 2011

Written by: Dianne Thompson, City Manager

Recommendation

It is recommended that the City Council/Redevelopment Agency adopt a motion to approve an agreement with the owner of property located at 7883 Old Redwood Highway and a portion of the property located at 7971 Old Redwood Highway (APN 144-200-001 and portion of APN 144-200-004) for exclusive right to negotiate, and to authorize the City Manager to execute the agreement.

Background

The City of Cotati desires to purchase the subject property using Redevelopment Fund monies, for the purpose of potential affordable housing. To this end, the City has been in negotiations with the property owners and has agreed to begin work on a draft purchase and sale agreement.

Due to recently-enacted redevelopment legislation, the City is unable to pledge redevelopment funds toward this or any other purchase prior to the adoption of a “continuation ordinance” whereby the City agrees to make certain annual payments to the County Auditor-Controller. This ordinance is being introduced at this (August 10, 2011) joint City Council/CRA meeting and is scheduled for adoption at the September 14, 2011 joint City Council/CRA meeting. While the City is able to begin work on a draft purchase and sale agreement, it cannot approve or execute such an agreement until after the ordinance’s adoption.

Analysis/Discussion

During the waiting period for the adoption of the ordinance, the City could undertake its required environmental and other due diligence with respect to the property, such that the purchase and sale agreement could be concluded expeditiously. Accordingly, the Property owners have agreed to a period of exclusive negotiating rights for the Property to and including October 27, 2011, to allow for the 30-day referendum period following adoption of a continuation ordinance.

Financial Considerations

Not applicable.

Environmental Issues

Not applicable

Attachments:

None.

DT:tl

Joint Meeting of City Council and Redevelopment Agency Board of Directors Agenda Public Hearing

Subject: Public Hearing on the Fiscal Year 2011-2012 Capital Improvement Program

Date: August 10, 2011

Written by: Damien O'Bid, Director of Public Works / City Engineer

Recommendation

It is recommended that the City Council adopt a resolution approving the proposed Fiscal Year 2011-2012 Capital Improvement Program.

Background

The City has had two public study sessions on the Capital Improvement Program (CIP), on December 15, 2010 and again on January 31, 2011. The CIP provides a 5-year capital financing model for the City matched with identified projects and project costs to provide an effective planning tool. The identified projects are primarily from water and sewer master plans, the pavement management plan, and various maintenance and improvement projects identified by the community or city staff.

Workshops on the CIP were held on December 15, 2010 and again on January 31, 2011 to solicit input from the Council and the community, including on the draft project lists. The Council then considered and prioritized projects within the context of all city goals and objectives during the Strategic Planning sessions held on April 4 and April 20, 2011. In addition, the City has finalized the Water and Sanitary Sewer Master Plans, which are key inputs to the CIP.

With adoption of the FY 11-12 budget on June 22, 2011, the City matched the prioritized strategic planning goals and priorities with available resources, with the intent to bring back a final CIP for adoption in August or September.

Analysis/Discussion

The projects shown in Fiscal Year 11-12 are referred to as the Capital Budget, and are the projects that were adopted with the FY 11-12 city budget. The Council is considering and adopting the CIP as a planning tool to set capital priorities. It does not authorize funding or

budgets for future fiscal years, as this is considered within the context of the budget adoption process for the upcoming fiscal year.

Financial Considerations

The CIP does not obligate funding for future fiscal years, this is only done through the general budgeting process. The CIP does set capital priorities and provides staff direction on proceeding on acquiring grants and developing funding plans for Council consideration for future projects.

Environmental Issues

Not Applicable. Project environmental impacts are reviewed with projects as they are developed.

On File with Clerk:

1. Draft Capital Improvement Program

Attachment:

1. Proposed resolution

RESOLUTION NO _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF COTATI ADOPTING THE FISCAL YEAR 2011-2012
CAPITAL IMPROVEMENT PROGRAM**

WHEREAS, the City of Cotati (the “City”) held a public study session on the Capital Improvement Program on December 15, 2010; and

WHEREAS, the City held a second public study session on the Capital Improvement Program on January 31, 2011; and

WHEREAS, the City held a Strategic Planning session to review projects within the context of all City goals and objectives on April 4 and April 20, 2011; and

WHEREAS, the City has subsequently finalized the Water Master Plan and Sewer Master Plan; and

WHEREAS, the City has finalized and adopted on June 22, 2011 the Fiscal Year 11-12 city budget; and

WHEREAS, the State has adopted the Fiscal Year 11-12 budget, which among other effects on the City, provided some clarity on the status of the City’s Redevelopment Agency; and

WHEREAS, the Capital Improvement Program is intended as a long range planning tool to provide staff direction on capital priorities so as to allow for proactive and targeted grant acquisition and funding plan development.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cotati that it hereby:

1. Adopts the Fiscal Year 2011-2012 Capital Improvement Program

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 10th day of August, 2011 by the following vote, to wit:

DELL'OSSO _____
GILARDI _____
HARVEY _____
LANDMAN _____
ORCHARD _____

Approved: _____
Janet Orchard, Mayor

Attest: _____
Tamara Taylor, Deputy City Clerk

Approved as to form:

Rich Rudnansky, City Attorney

**Joint Meeting of City Council and
Redevelopment Agency Board of Directors
Public Hearing**

Subject: Introduction of an Ordinance of the City Council of the City of Cotati Authorizing the City to Make Certain Remittances to the County Auditor Controller in Accordance with Health and Safety Code Section 34194 and to Take All Other Actions Required in Order to Continue Redevelopment Activities in the City of Cotati

Date: August 10, 2011

Written By: Jone Hayes, Director of Administrative Services

RECOMMENDATION:

It is recommended that the City Council/Redevelopment Agency introduce an ordinance authorizing the City to make certain remittances to the County Auditor Controller in accordance with Health and Safety Code Section 34194 and to take all other actions required in order to continue redevelopment activities in the City.

Background:

On June 29, 2011 the Governor signed ABx1 26 (“AB 26”) which automatically suspended redevelopment activities as of the effective date of the bill and subsequently dissolves redevelopment agencies, and ABx1 27 (“AB 27”), which provides that the suspension and dissolution provisions of the legislation will not apply to an agency if a City adopts an ordinance committing to pay specified amounts for distribution to schools and other taxing entities. AB 26 and AB 27 became effective when the Governor signed the State Budget Bill on June 30, 2011.

The deadline to opt-in to the payment program is November 1, 2011. If the City does not choose to participate in the AB 27 payment program, the Cotati Community Redevelopment Agency will be dissolved as of October 1, 2011. If this occurs, an oversight board will direct the disposition of Agency assets with proceeds to be transferred to the Sonoma County Auditor-Controller for disposition to the school district and other local taxing entities.

Analysis/Discussion

The fiscal impacts of the legislation have been evaluated and it has been determined that the Agency will be able to make the anticipated payments in order to continue to operate. Since it is the City’s obligation to make the payments, with Agency funds, it is recommended that at a future meeting the Agency Board and the City Council approve an agreement that establishes respective City and Agency actions to ensure the payments are made to the County.

The California Redevelopment Association and the League of California Cities believe that the redevelopment bills violate the State Constitution and other laws. However, to maximize the City’s

and Agency's options, and to allow the Agency to continue operating while the legality of the legislation is being litigated, it is recommended that the City adopt an ordinance authorizing the City to make the required payments.

Financial Considerations:

If the Agency adopts the Ordinance authorizing the City to make the SB 27 payments, the estimated amount for FY 11-12 is \$520,000 and for subsequent years is \$120,000. The actual amount of the payment will be calculated by the Department of Finance and is due to have been transmitted by August 1, 2011. Payments are due January and May 15th, 2012.

Environmental Issues:

The Ordinance is not a project under CEQA, and a Notice of Exemption will be filed with the County Clerk.

Attachments:

1. Proposed Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI
AUTHORIZING THE CITY TO MAKE CERTAIN REMITTANCES TO THE COUNTY
AUDITOR CONTROLLER IN ACCORDANCE WITH HEALTH AND SAFETY CODE
SECTION 34194 AND TO TAKE ALL OTHER ACTIONS REQUIRED IN ORDER TO
CONTINUE REDEVELOPMENT ACTIVITIES IN THE CITY OF COTATI**

WHEREAS, pursuant to authority granted under Community Redevelopment Law (California Health and Safety Code Section 33000 et seq.) (the “CRL”) the City Council (the “City Council”) of the City of Cotati (the “City”) adopted the Redevelopment Development Plan (as amended, the “Redevelopment Plan”) for the Cotati Community Redevelopment Project Area (the “Project Area”); and

WHEREAS, the Cotati Community Redevelopment Agency (the “Agency”) has the responsibility to implement the Redevelopment Plan; and

WHEREAS, the Agency adopted a five-year implementation plan (the “**Implementation Plan**”) for the years 2010-2014 for the Project Area; and

WHEREAS, the legislature of the State of California (the “State”) adopted Assembly Bill x1 26 (“AB 26”), which amends Sections 33500, 33501, 33607.5 and 33607.7 of the CRL and adds Part 1.8 (commencing with Section 34161) and Part 1.85 (commencing with Section 34170) to Division 24 of the Health and Safety Code, and adds Sections 97.4 and 98.2 to the Revenue and Taxation Code; and

WHEREAS, AB 26 suspends all redevelopment activities as of its effective date and dissolves the Agency effective October 1, 2011 unless the city adopts this ordinance; and

WHEREAS, concurrently with the adoption of AB 26, the State legislature adopted Assembly Bill x1 27 (“AB 27”), which adds Part 1.9 (commencing with Section 34192) to Division 24 of the Health and Safety Code; and

WHEREAS, pursuant to Health and Safety Code Section 34192, if a city that includes a redevelopment agency complies with all requirements and obligations contained in AB 27, the redevelopment agency will be exempt from the provisions of AB 26, including but not limited to the suspension and dissolution provisions, and any other conflicting provision of law; and

WHEREAS, in keeping with the goals of the Agency to eliminate and reduce blight in accordance with the Redevelopment Plan and the Implementation Plan, the City desires to comply with the requirements and obligations contained in AB 27 in order to continue redevelopment activities within the City and to fund projects that will eliminate blighting conditions in the Project Area; and

WHEREAS, pursuant to Health and Safety Code Section 34193, a redevelopment agency may continue to exist and carry out the provisions of the CRL only upon the enactment of an

ordinance adopted by the City to comply with the provisions of AB 27 on or before November 1, 2011; and

WHEREAS, pursuant to Health and Safety Code Section 34194, in order to comply with AB 27 the City will be required to make certain remittances to the county auditor-controller; and

WHEREAS, pursuant to Health and Safety Code Section 34194.2; the City may enter into an agreement with the Agency whereby the Agency will transfer a portion of its tax increment to the City in an amount not to exceed the annual remittance required each year, for the purpose of financing activities within the redevelopment area that are related to accomplishing the Agency goals; and

WHEREAS, the City desires to reserve all of its rights to challenge the validity of any and all provisions of AB 26 and AB 27 in any administrative or judicial proceeding, or to repeal this Ordinance in the event that any provisions of AB 26 or AB 27 are found to be invalid or unlawful, without prejudice to the City's right to recover any amounts remitted under AB 27; and

WHEREAS, the City desires to reserve all rights to appeal the amount of any remittance established by the Department of Finance, as provided under AB 27.

NOW, THEREFORE, the City Council finds and determines as follows:

SECTION I. Recitals. All the recitals above are true and correct and incorporated herein.

SECTION II. Compliance with Law. Subject to Section 3 below, the City hereby agrees to comply with Part 1.9 of Division 24 of the Health and Safety Code (commencing with Section 34192).

SECTION III. Reservation of Rights. The City hereby reserves all rights to challenge the validity of any and all provisions of AB 26 and AB 27 in any administrative or judicial proceeding, or to repeal this Ordinance in the event that any provisions of AB 26 or AB 27 are found to be invalid or unlawful, without prejudice to the City's right to recover any amounts remitted under Part 1.9 of Division 24 of the Health and Safety Code (commencing with Section 34192). The City hereby reserves all rights to appeal amount of any remittance established by the Department of Finance.

SECTION IV. Authorization. The City Manager (or his or her designee) is hereby authorized to make all approvals and take all actions necessary or appropriate to carry out and implement this Ordinance and to administer the obligations, responsibilities and duties to be performed by the City under this Ordinance.

SECTION V. No Pledge of General Fund Revenues. The City Council does not intend, by enactment of this Ordinance, to pledge any of its general fund revenues or assets to make the remittance payments.

SECTION VI. CEQA. The City Council finds, under Title 14 of the California Code of Regulations, Section 15378(b)(4), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) in that it is not a “project,” but instead consists of the creation and continuation of a governmental funding mechanism for potential future projects and programs, and does not commit funds to any specific project or program. The City Council therefore directs that a Notice of Exemption be filed with the County Clerk of the County of Sonoma in accordance with CEQA Guidelines.

SECTION VII. Effective Date and Publication. This Ordinance shall be published once within fifteen (15) days after its adoption in a newspaper of general circulation in the City of Cotati. This ordinance shall take effect thirty (30) days after adoption and the title thereof shall be published once prior to adoption.

SECTION VIII. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the ordinance is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part hereof. The City Council hereby declares that it would have passed each section of the Ordinance irrespective of the fact that one or more of them would be declared unconstitutional or invalid. To this end, the provisions of the Ordinance are declared to be severable.

IT IS HEREBY CERTIFIED that the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Cotati on the 10th day of August, 2011, and legally adopted on the _____ day of _____, 2011, by the following vote, to wit:

ORCHARD _____
HARVEY _____
DELL’OSSO _____
GILARDI _____
LANDMAN _____

APPROVED: _____
Janet Orchard, Mayor

ATTEST: _____
Tamara Taylor, Deputy City Clerk

APPROVED AS TO FORM:

Rich Rudnansky, City Attorney

