

# City of Cotati



**MINUTES  
REGULAR CITY COUNCIL MEETING AND  
JOINT MEETING OF THE CITY COUNCIL  
AND COTATI REDEVELOPMENT AGENCY BOARD OF DIRECTORS  
JANUARY 9, 2008  
City Council Chambers, City Hall, 201 W. Sierra Avenue**

**7:00 PM (CITY COUNCIL CHAMBERS)**

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

Mayor Fox called the meeting to order at 7:10 p.m.

**2. ROLL CALL**

Councilmembers present: Guardino, Minnis and Orchard, Vice Mayor Gilardi, Mayor Fox  
Staff present: Thompson, Rudnansky, Hayes, Woltering, Taylor

**3. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

**4. APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING**

4.1 Minutes of December 12, 2007 Regular meeting

4.2 Notice of waiving the reading of all ordinances introduced and/or adopted under this agenda

Moved by Councilmember Orchard seconded by Councilmember Guardino and passed unanimously to approve the minutes of the December 12, 2007 Regular meeting as presented and to waive the reading of all ordinances introduced and/or adopted under this agenda.

**5. REORGANIZATION OF CITY COUNCIL**

City Manager Thompson opened the floor for public comment.

George Barich of Cotati commented on the process of electing the Mayor and Vice Mayor, noting that he Mayor Gilardi's acceptance of nomination to the office of Mayor as believes that the opportunity to serve in the ceremonial office of Mayor should be given to someone who hasn't yet served as Mayor.

Adrienne Lauby of Cotati commented on previous processes of selecting the Mayor and Vice Mayor and indicated support for Councilmember Minnis as Mayor.

Michelle Berman of Cotati commended Mayor Fox for his service as Mayor over the past year and indicated support for Councilmember Minnis as Mayor.

Jenny Blaker of Cotati thanked Mayor Fox for his service as Mayor.

There being no one else wishing to speak, City Manager Thompson closed the public comment period.

#### 5.1 Comments from Mayor Geoff Fox.

Mayor Fox commented on his year as Mayor and commended the Councilmembers for their hard work and noted the past year's accomplishments, including:

- The hiring of a new City Manager and new Deputy City Clerk, and a Request for Proposals for new legal counsel.
- Adoption of an ordinance limiting Formula Based Fast Food restaurants.
- The restructuring of the City's organization plan.
- Offering of small business assistance service.
- Adoption of a medical marijuana ordinance.
- Continued support for mobile-home tenants, including support of AB 1542.
- Water conservation projects, including support for voluntary reduction of water use.
- Continued development of Cotati Commons.
- Continued improvement of traffic, including soundwalls and safety improvements along 116; Mayor Fox commended Vice Mayor Gilardi for her support of Cotati's interests with the Sonoma County Transportation Authority.
- He commended Councilmembers Orchard and Guardino for their continued work on the California Tiger Salamander Committee.
- Recreation events, including Movies in the Park and a Halloween party.
- Award of contract for the replacement of the East Cotati Avenue waterline. The City saved over \$300,000 by separating the waterline replacement from the overlay project.

Mayor Fox concluded his comments with a commendation to staff, the rest of the Council, the community and his wife and sons.

City Manager Thompson thanked Mayor Fox and the Council for their hard work and presented Mayor Fox with a commemorative plaque.

#### 5.2 Election of Mayor

City Manager Thompson called for nominations for Mayor.

Moved by Mayor Fox and seconded by Councilmember Orchard to nominate Pat Gilardi for the position of Mayor.

There being no further nominations, a roll-call vote was taken on the nomination for Mayor:

Guardino: Yes  
Minnis: No  
Orchard: Yes  
Gilardi: Yes  
Fox: Yes

Pat Gilardi was declared Mayor by a 4-1 vote, Councilmember Minnis voting no.

### 5.3 Election of Vice Mayor

City Manager Thompson called for nominations for Vice Mayor.

Moved by Mayor Gilardi and seconded by Councilmember Orchard to nominate John Guardino for the position of Vice Mayor.

There being no further nominations, a roll-call vote was taken on the nomination for Vice Mayor:

Guardino: Yes  
Minnis: Yes  
Orchard: Yes  
Gilardi: Yes  
Fox: Yes

John Guardino was declared Vice Mayor by a unanimous vote.

### 5.4 Comments from newly elected Mayor

Mayor Pat Gilardi thanked Councilmember Fox for his comments and for his service as Mayor over the past year, and stated that she looks forward to the coming year.

### 5.5 Recess to Reception

Mayor Gilardi called a recess at 7:31 p.m. and invited the public to enjoy refreshments at a brief reception in honor of the outgoing and incoming Mayor and Vice Mayor.

Mayor Gilardi reconvened the meeting at 7:55 p.m.

## 6. APPROVAL OF FINAL AGENDA

No changes

7. CITIZEN BUSINESS

Lori Ann Barbour of Frogsong Co-Housing community in Cotati requested that the Council schedule consideration of amendment to the zoning code that would allow chickens to be kept by residents.

An unnamed individual took a photograph of the newly reorganized Council.

Adrienne Lauby of Cotati spoke in support of chickens and expressed concern that the trees were removed from Valparaiso. She asked that the neighbors be noticed regarding future activity regarding the development of the property.

Theresa Eaton of Sierra Mobile Home Park discussed the City's tree removal and preservation process and indicated agreement with Ms. Lauby's concerns about the trees on Valparaiso.

John Graham asked whether alternatives to removing the trees on Valparaiso was researched. He distributed photos of the property.

Joyce S. echoed concerns about the tree removal. She indicated that the developer has sent letters occasionally and set up meetings that were then cancelled. She asked that she receive notice of meetings and that the meetings take place after work.

Carla DeMaestri said that removal of the trees has impacted her home by removing a windbreak and light filtering.

George Barich noted his belief that Councilmembers should make more of an effort to meet individually with citizens and schedule consider scheduling one evening a month to hear citizens' concerns. He indicated opposition to Council's recent leash law decisions.

Michelle Berman of Cotati discussed the recent article in the Community Voice about the leash law. She's indicated support for allowing chickens to be kept in the City limits and expressed concern regarding tree removal.

There being no one else wishing to speak, Mayor Gilardi closed the public comment period. She clarified that warnings, not citations, are being given for leash law violations and that no citations will be given until signs have been installed.

City Manager Thompson summarized the process that the developer went through for the tree removal on Valparaiso and discussed the changes made in the staff approval process.

Planning Director Woltering summarized the tree removal/preservation process and addressed questions and concerns regarding noticing of tree removal and further activity and demolition on the site.

Mayor Gilardi requested clarification as whether further discussion of the tree removal process might result in violation of the Brown Act. Interim City Attorney Rudnansky indicated that it would be appropriate to place discussion of the tree removal process on a future agenda.

## 8. COUNCILMEMBER DIRECTION ON FUTURE AGENDA ITEMS

The Council concurred to place the following items on a future agenda:

- Tree removal process, including the process of selecting an arborist.
- Chickens within the City limits.

Regarding Mr. Barich's request that the Council set aside one evening a month to meet with citizens, the Council concurred to remain with the present practice of each Councilmember responding to citizens' inquiries as their individual schedules allow.

## 9. ORAL AND WRITTEN COMMUNICATIONS

### 9.1 ANNOUNCEMENTS

- The next Cotati Creek Critters' Community Planting Day is Saturday, January 12 at 9:00 a.m. Meet at City well lot #2 on Lakewood Avenue. For additional details visit their website at [www.cotaticreekcritters.info](http://www.cotaticreekcritters.info).
- January is National Blood Donor Month; donate blood during the Blood Bank of the Redwoods' 3rd Annual Mayor's Challenge. Your blood donation in January will count toward your Mayor, regardless of where you donate. For blood drive locations, see the Blood Bank of the Redwoods' upcoming blood drives at [www.bbr.org](http://www.bbr.org).
- Subject to approval of item no. 11.1, the second Council meeting in January will be on Tuesday, January 22, 2008.
- Subject to approval of item no. 11.1, the second Planning Commission in January will be on ~~Wednesday~~ Monday, January 23, 28, 2008.

### 9.2 REPORT BY SONOMA STATE UNIVERSITY REPRESENTATIVE (*Nicole Schlossberg, Student Representative, Sonoma State University*)

Nicole Schlossberg, Student Representative, Sonoma State University, reported on University activities and events. She indicated that as it stands her schedule won't allow her to attend any more meetings, but she hopes to be able to be here for the next meeting to introduce the new Sonoma State Student Representative to the City Council.

### 9.3 REPORT BY STUDENT HONORARY MAYOR (*Jack Witt, Creekside Middle School*)

Jack Witt of Creekside Middle School, Student Honorary Mayor, discussed his interested in sports, particularly basketball, and science. He discussed his future goals, including

education objectives. He responded to questions from the Council and suggested a basketball court at Putnam Park and introduced his parents and school Principal to the Council.

9.4 CORRESPONDENCE AND PRESENTATIONS – None.

9.5 PROCLAMATION(S) – None.

9.6 COMMISSIONS, COMMITTEES, BOARDS AND TASK FORCES

9.6.1 Council Assignments as Representatives and Liaisons to Various Committees and Commissions (*City Manager*)

City Manager Thompson presented the staff report.

Mayor Gilardi requested that a separate category be listed for Mayors and Councilmembers' Association appointments. The following changes were made to the list of City Council Appointments and Assignments for 2008:

- Altman-Rosen ad hoc committee removed
- California Tiger Salamander Committee: John Guardino/Janet Orchard
- Open Space District: Move to new category of Mayors' and Councilmembers' Association
- Water Advisory Committee: John Guardino as primary and Janet Orchard as alternate
- Liaison to Community Development Commission: Geoff Fox
- Liaison to Design Review Committee: Pat Gilardi

Mayor Gilardi opened the floor to public comments.

Theresa Eaton of Cotati requested that a Senior Advisory Committee be started.

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

**Moved** by Councilmember Orchard seconded by Councilmember Fox and passed unanimously to approve the above changes to the list of City Council Appointments and Assignments for 2008.

Mayor Gilardi directed City Manager Thompson to relate Ms. Eaton's request for a Senior Advisory Committee to Recreation Manager Terry Dutra.

9.6.2 Consider and Possibly Take Action to Direct Staff to Review and Prepare Necessary Resolutions and/or Code Provisions to Grant Each Council Member the Right to Select/Nominate Members to Committees and Commissions under Certain Circumstances (*Director of Planning*)

Planning Director Woltering presented the staff report.

Mayor Gilardi opened the floor to public comments.

Neil Hancock, member of the Design Review Committee noted that any process for appointment include the requirement of professionals to be on the Commission/committees.

George Barich spoke in support of individual Councilmember appointments to Commission and Committees.

Michelle Berman indicated agreement with Mr. Barich's comments.

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

Discussion ensued regarding the appointment process for the Community and Environment Commission (CEC) and the Design Review Committee (DRC) members, and the number of members of the CEC. Council concurred to limit this discussion to the appointment process for the Planning Commission, to leave the appointment process of the DRC as is, and to schedule discussion of the CEC on a future Council agenda.

Further discussion ensued about concerns regarding how to fill the two upcoming vacancies on the Commission, Planning Commissioners being responsible and accountable to a single Councilmember, the application process, changing the appointment process in an election year and that individual appointments may make the process more political instead of less political.

Councilmember Minnis and Vice Mayor Guardino expressed support for each Councilmember to appoint one Planning Commissioner so as to allow the minority voice in Council a say in the appointment process, to further the electoral will of the voters and to spread accountability across the City Council. Regarding concerns of Planning Commissioners' responsibility to an individual Councilmember, Vice Mayor Guardino indicated that he spoke with various individually appointed Commissioners and none of them indicated that they felt pressure from their appointive Councilmember about how to vote on Planning Commission items.

Mayor Gilardi reopened the public comment period.

Anne Rock of Cotati expressed concern that Planning Commissioners have a clear understanding of their responsibility to the Council and to land use law.

Michelle Berman spoke in support of appointments by individual Councilmembers.

George Barich indicated agreement with Ms. Berman's comments.

Mayor Gilardi closed the public comment period.

Interim City Attorney Rudnansky clarified that any public official should exercise their discretionary opinion within the bounds of the law.

Further discussion took place relative to accountability of Commissioners to Council. The Council concurred that discretion would be exercised by its members in that a Commissioner would be accountable to his or her appointive Councilmember for behavior and attendance, not for how the Commissioner would vote.

**Moved** by Councilmember Fox for each Councilmember to appoint a Planning Commissioner, commencing in January 2009, after the 2008 election, with reappointments after each election. Appointments to be individual and not ratified by Council.

Vice Mayor Guardino seconded the motion, amended to make the individual appointments effective immediately, noting that he had full confidence that the membership of the Planning Commission would not drastically change.

Councilmember Fox agreed to amend the motion as stated by Vice Mayor Guardino.

Discussion ensued relative to the motion. Councilmember Orchard indicated that out of concern over how the change in appointment process would affect the Commission she would not support the motion unless it commenced after the 2008 election. She would support those Councilmembers whose terms expire in 2010 individually appointing Commissioners as vacancies occur prior to the election.

Responding to questions from the Council, Planning Director Woltering clarified when an ordinance changing the appointment process would likely take effect.

Mayor Gilardi called for a roll-call vote.

Guardino: Yes

Minnis: Yes

Orchard: No

Gilardi: Yes

Fox: Yes

The motion as amended passed 4-1 (Councilmember Orchard voting no).

Mayor Gilardi called a recess at 9:45 p.m. and reconvened at 10:02 p.m.

- 9.6.3 Consideration of report and recommendations from Council Subcommittee on California Tiger Salamander (CTS) relating to Memorandum of Agreement, Implementation Plan, and Conservation Strategy and provide direction to staff and subcommittee members on issues being considered relating to same by the CTS Implementation Committee. (Continued from December 12, 2007) (*Director of Planning*)

David Woltering, Planning Director, reported that a focus group met on the January 4, 2008 to review and discuss concerns specific to Cotati relating to the Memorandum of Agreement, Implementation Plan, and Conservation Strategy of CTS, and noted that the group would be meeting again in the near future to continue discussion.

Vice Mayor Guardino and Councilmember Orchard provided further comment on the January 4<sup>th</sup> meeting.

Mayor Gilardi opened the floor for public comment.

Neil Hancock of Cotati suggested that keeping CTS mitigation areas within the conservation area that would benefit Cotati's citizens.

Jenny Blaker spoke in support for keeping mitigation areas in or near Cotati by protecting open space for CTS. She opposes 'surveying out' and announced an upcoming bicycle ride to view CTS habitat.

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

## 10. CITY MANAGER REPORT

City Manager Thompson introduced new interim City Attorney Rich Rudnansky, with the law firm of Meyers-Nave

Interim City Attorney Rudnansky commented to the Council regarding his appointment as Interim City Attorney.

City Manager Thompson announced the following:

- The East Cotati Avenue waterline replacement is proceeding on schedule.
- The East Cotati Avenue overlay has been placed out to bid; bids are due tomorrow.
- Demolition work on the proposed museum space at City Hall has been completed and the museum project is moving forward.
- The City Council Mid-year budget review is tentatively scheduled for Tuesday, January 29 at 7:00 p.m.
- City Hall will be a polling place for the February 5, 2008 Presidential primary election.

- It was announced earlier the January 21 Planning Commission meeting would be on January 23; however the correct date is Monday, January 28.

Responding to Council concerns regarding traffic control for the waterline replacement on East Cotati Avenue, City Manager Thompson stated that staff would review the traffic control with the contractor.

## 11. CONSENT CALENDAR

Items no. 11.1 and 11.2 were pulled for discussion.

11.1 Pulled for discussion (see below)

11.2 Pulled for discussion (see below)

11.3 Consideration of a Resolution Approving the City of Cotati's Application for Program Year 2008-2009 Community Development Block Grant Funds (*City Manager*)

**Moved** by Councilmember Orchard, seconded by Councilmember Fox and passed unanimously to approve item 11.3 on the Consent Calendar as follows:

Resolution No. 08-01 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI APPROVING THE CITY OF COTATI'S APPLICATION FOR PROGRAM YEAR 2008-2009 COMMUNITY DEVELOPMENT BLOCK GRANT FUND

11.1 Authorize the Second Regular City Council Meeting of January to be held on Tuesday January 22, 2008 (*City Manager*)

City Manager Thompson presented the staff report

Councilmember Fox indicated that he may not be able to attend on January 22, and that if he did, he would be arriving late. Discussion ensued, with Council concurring to hold the meeting on January 22, 2008.

Mayor Gilardi opened the floor for public comment; there being no one wishing to speak, she closed the public comment period.

**Moved** by Councilmember Orchard, seconded by Councilmember Fox and passed unanimously to approve item 11.1 on the Consent Calendar.

11.2 Adoption of Ordinance No. 812 amending Chapters and Sections of Title 17 – Land Use Code of the Cotati Municipal Code to establish performance criteria for allowing Outdoor Dining as a Permitted Use instead of a Conditional Use and otherwise clarifying and streamlining the permitting processes for outdoor dining uses in the City of Cotati. (*Director of Planning*)

Planning Director Woltering presented a brief staff report and responded to questions of staff regarding City approval of furniture.

Mayor Gilardi opened the floor to public comment.

George Barich of Cotati spoke in opposition to the Ordinance Adoption.

Adrienne Lauby of Cotati indicated agreement with Mr. Barich's comments.

Michelle Berman of Cotati spoke in opposition to the Ordinance Adoption.

there being no one else wishing to speak, Mayor Gilardi closed the public comment period.

**Moved** by Councilmember Minnis,, seconded by Councilmember Orchard and passed unanimously to approve item 11.2 on the Consent Calendar as follows:

Ordinance No. 812 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI AMENDING SECTIONS 17.22.020, TABLE 2-3, ALLOWED LAND USES AND PERMIT REQUIRMENTS FOR MIXED USE CORRIDORS AND DISTRICTS, AND 17.42.130 E., OUTDOOR DINING AREAS, TO MODIFIY THE CITY OF COTATI REQUIREMENTS FOR ALLOWING RESTAURANT - OUTDOOR DINING.

12. PUBLIC HEARINGS - None

13. REGULAR AGENDA

- 13.1 Consider and Possibly Direct Staff to do the following: 1) Prepare and Submit a Letter of Commitment to the Department of Energy in Support of the City of Santa Rosa's Application for the U.S. Department of Energy "Solar America Cities" 2008 Grant, and 2) Participate in Solar Sonoma County Meetings (*Director of Planning*)

Planning Director Woltering presented the staff report.

City Manager Thompson explained further regarding other city's participation and asked CC to appoint one of their own to attend instead of or alternating with staff.

Councilmember Orchard stated that she had an interest in this issue and would be attending the next meeting of Soar Sonoma County. GF moved to appoint jo as rep,commit no funds pending report, support letter, jg, unanimous.

**Moved** by Councilmember Fox, seconded by Vice Mayor Guardino and passed unanimously, to Appoint Councilmember Orchard as Cotati's representative to Solar Sonoma County, to commit no funds to the program at this time, pending further information, and to send the support letter as recommended.

14. RECESS OF REGULAR CITY COUNCIL MEETING TO JOINT MEETING OF CITY COUNCIL AND REDEVELOPMENT AGENCY BOARD OF DIRECTORS

Mayor Gilardi recessed the Regular City Council meeting at 10:55 p.m.

15. CALL TO ORDER OF JOINT MEETING

Chair Gilardi called the joint meeting to order at 10:55 p.m.

16. ROLL CALL FOR JOINT MEETING

Members present: Fox, Minnis and Orchard, Vice Chair Guardino, Chair Gilardi  
Staff present: Thompson, Rudnansky, Hayes, Taylor

17. CONSENT CALENDAR FOR JOINT MEETING

17.1 Receive and File Warrants and Audited Claims for November 28, 2007 – December 12, 2007 (*Director of Finance*)

**Moved** by Vice Chair Guardino, seconded by Member Minnis and passed unanimously to approve item 17.1 on the Consent Calendar.

18. REGULAR AGENDA FOR JOINT MEETING – No items.

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

Mayor Gilardi adjourned the joint meeting of the City Council and Redevelopment Agency Board of Directors and reconvened the regular meeting of the City Council at 10:57 p.m.

20. DISCUSSION AND/OR ACTION ON PENDING STATE OR FEDERAL LEGISLATION AND ACTIVITIES

21. CITY COUNCIL REPORTS AND COMMENTS

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

22. ADJOURNMENT OF REGULAR CITY COUNCIL MEETING

Mayor Gilardi adjourned the meeting at 11:02 p.m.

Respectfully Submitted,

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Deputy City Clerk