



**MINUTES  
REGULAR CITY COUNCIL MEETING AND JOINT MEETING OF THE CITY  
COUNCIL AND THE BOARD OF DIRECTORS OF THE COMMUNITY  
REDEVELOPMENT AGENCY OF THE CITY OF COTATI  
WEDNESDAY JANUARY 28, 2009  
7:00 PM REGULAR SESSION  
CLOSED SESSION TO FOLLOW REGULAR SESSION  
City Council Chambers, City Hall, 201 W. Sierra Avenue**

**7:00 PM (REGULAR SESSION)**

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

Mayor Guardino called the meeting to order at 7:05 p.m.

**ROLL CALL**

Councilmembers present: Barich, Coleman-Senghor, Gilardi, Orchard, Mayor Guardino

Staff present: Administrative Services Director Jone Hayes, City Attorney Rich Rudnansky, Deputy City Clerk Tamara Taylor, City Manager Dianne Thompson.

**PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

Mayor Guardino led the pledge of allegiance and called for a moment of silence.

Mayor Guardino announced that 'Future Agenda Items' would be moved to after Citizens business and that item no. 6 (Fees and Charges) would be continued to February 11, 2009.

**1. APPROVAL OF MINUTES OF JANUARY 14, 2009 REGULAR MEETING AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCE INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (*Action*)**

**Moved** by Councilmember Gilardi seconded by Councilmember Orchard, and passed unanimously to approve the minutes of the January 14, 2009 regular meeting as corrected (additional language regarding congratulations to Mayor Guardino added under item 2.4) and waive reading of all resolutions and ordinances introduced and/or adopted under this agenda.

**CITY MANAGER'S REPORT**

City Manager Dianne Thompson reported the following:

- Construction has begun on the East Cotati Avenue overlay project, which is expected to be completed in mid-March, weather permitting.

**DRAFT**

Subject to approval.

- An unobtrusive, coated chain-link fence will be constructed between the Falletti property and the (recently acquired) city property on the northwest corner of West Sierra Avenue and East School Street. The construction of the fence is a condition of the sale.

## **CITIZEN BUSINESS**

Peter Chernoff of Sonoma County addressed the Council on a variety of topics including articles in today's Press Democrat newspaper.

Joan Simon of Cotati addressed the Council regarding the process of recruiting and supervising volunteers and interns. Regarding Cotati's leash law, she indicated her belief that a dog 'under the control of' its owner is very different than a dog 'on-leash'. Regarding the timing of 'Citizens' Business', she believes it should appear only once on the agenda.

Michelle Berman of Cotati showed off two dogs, Chelsea and Otis. She indicated belief that the leash law is not being enforced. She addressed the Council regarding the trial of off-leash hours in City parks, noting numerous concerns including park hours, lack of phone numbers on park signs and staff and citizens' time. She requested that the off-leash trial be reviewed at the next City Council meeting. She indicated concern that she was unaware that City Council meetings would be podcast.

Jeanine of Cotati addressed the City Council regarding articles in today's Press Democrat newspaper. She indicated that Council should be concerned about issues in Cotati, including graffiti.

City Attorney Rudnansky addressed the Council regarding the Ralph M. Brown Act as it pertains to responses to comments of the public during Citizens' Business.

City Manager Thompson responded to questions from Council regarding correspondence from the public about graffiti and about clarification of the leash law as it relates to the K-9 police dog and other situations.

Councilmembers commented on concerns raised during Citizens' Business.

## **DIRECTION ON FUTURE AGENDA ITEMS**

Discussion ensued relative to scheduling discussion regarding the following: 2-tier water-sewer billing, dog focus group recommendations coming straight back to council rather than to the dog focus group, adding a standing City Council/Rancho Adobe Fire District Committee, and a ban on styrofoam. The Council directed staff to schedule discussion regarding a ban on Styrofoam and discussion of the off-leash trial and leash-law enforcement on an upcoming City Council agenda and concurred that the remaining items would be addressed during the upcoming goal-setting/strategic planning study session.

**DRAFT**

Subject to approval.

## **ORAL AND WRITTEN COMMUNICATIONS**

### **ANNOUNCEMENTS**

The City of Cotati's Community and Environment Commission (CEC) will be holding its 17th Annual Pasta Dinner and Bingo Night in conjunction with the Cotati Chamber of Commerce on the evening of Saturday, February 28 from 5:00 to 7:30 PM. The dinner will be held at its new venue, The Cotati Veterans Memorial Building at 8505 Park Avenue, Cotati. Tickets for dinner cost: \$10.00 for adults, \$5.00 for children 12 and under and \$5.00 for seniors 60 and over. Wine and a variety of Cotati merchandise will also be available from the Chamber of Commerce. For more information, please call the Cotati Events Hotline at (707) 765-3939

City Council meeting audio recordings are now available via podcast. Link to the podcast from the City's website at [www.ci.cotati.ca.us](http://www.ci.cotati.ca.us).

The Winter Recreation Schedule is available on the City's website ([www.ci.cotati.ca.us](http://www.ci.cotati.ca.us)). To request a paper copy please feel free to visit or call the Recreation Department at 792-4600 ext. 669

### **STUDENT HONORARY MAYOR REPORT**

Joseph Pearson of Mountain Shadows Middle School introduced his parents and school principal and provided a verbal report to Council. He indicated that Students believe that the leash law should be better enforced, that the abandoned gas station on the corner of Hwy 116 and Old Redwood Hwy. looks blighted and should be turned into a skate park. Students also think Cotati is a great place to live.

### **PRESENTATION**

#### **2. WAYS TO PROTECT AND ENHANCE REVENUE IN TODAY'S TOUGH ECONOMY**

City Manager Dianne Thompson introduced Catherine Lew, President of The Lew Edwards Group, Jonn Fairbank, Partner of Fairbank, Maslin, Maullin & Associates, lead Faculty for the League of California Cities Training Academies and co-authors of League publications on City Revenue Approaches, who presented 'Ways to Protect and Enhance Revenue in Today's Tough Economy' to the City Council and responded to questions from the Council regarding cost of service, lifespan of surveys, method of sampling, response rates, outreach methods, success rates of revenue measures.

Ms. Lew and Mr. Fairbank responded to questions from Council related to the types of services that would be provided, noting that the goal is facilitate community and city to consensus, \$20,000 cost to Seaside,

**DRAFT**

Subject to approval.

Responding to questions from the Council, City Manager Thompson explained that a firm such as the presenters would be contracted by an individual city for its services and that if Council desires, staff would research this and other firms who offer similar services and bring additional information, including a menu of services and costs, back to the Council.

Mayor Guardino opened the floor to public comments.

Ann Rock of Cotati indicated that she and Suzanne Whipple, as members of the Economic Development Task Force, had researched Cal-Ed grant funding. She expressed concern that she had volunteered her time to research a service similar but less expensive than what was presented but was told to stop by the City Manager.

Joan Simon of Cotati advocated several approaches for taking surveys that would be faster and less expensive by using marketing students from Sonoma State University and community volunteers.

Eric Kirchmann of Cotati suggested using the water bill to send a survey to citizens and shared facilities and using volunteers.

Susan Harvey indicated agreement with previous suggestions to use local volunteers to speak with local businesses and go door-to-door.

Neil Hancock of Cotati discussed various tools, methods and forums for discussion and the challenges of getting people to participate.

Linell Hardy of Cotati asked whether non-voter registered households were surveyed and what the response rates are. She expressed concern that the state would take more local money if a city had enacted a revenue measure and asked whether there is a way for citizens to prevent the state legislature from taking additional local funds.

Michelle Berman expressed agreement with Ann Rock's comments. She expressed concern that this presentation is leading to a sales tax measure. She believes that people have wasted time volunteering and have been ignored. She indicated that citizens, Council and staff need to come together for the betterment of Cotati.

John Rock of Cotati expressed agreement with Ann Rock's comments about using Cal-Ed to bring in experienced Economic Development advisors to Cotati using grant funds. He noted that previous surveys have been done and could be used.

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

Mayor Guardino called a recess at 9:13 p.m. and reconvened at 9:32 p.m.

Discussion ensued. Council expressed appreciation for the thought-provoking presentation and public comment and concurred that the City needs to look at various ways to stabilize the budget and protect its funding sources.

**DRAFT**

Subject to approval.

## CONSENT CALENDAR

- 3. AUTHORIZE THE CITY MANAGER TO SIGN SIDE LETTERS OF AGREEMENT TO THE CURRENT MEMORANDA OF UNDERSTANDING BETWEEN THE CITY AND THE COTATI EMPLOYEES ASSOCIATION (CEA), THE COTATI POLICE OFFICER'S ASSOCIATION (CPOA), AND THE COTATI POLICE MANAGEMENT ASSOCIATION (CPMA) (Administrative Services) (Action).**

**Moved** by Councilmember Gilardi, seconded by Councilmember Orchard, and passed unanimously to authorize the City Manager to sign Side Letters of Agreement to the Current Memoranda of Understanding Between the City and the Cotati Employees Association (CEA), the Cotati Police Officer's Association (CPOA), and the Cotati Police Management Association (CPMA).

## REGULAR AGENDA

- 4. DRAFT POLICE MASTER PLAN (Discussion).**

City Manager Dianne Thompson presented the staff report and introduced Byron Pipkin of the Matrix Consulting Group who presented the draft Police Master Plan.

Mr. Pipkin responded to questions relating to his background and experience, the confidentiality of a portion of the report due to sensitive information that may jeopardize the security and safety of police officers, traffic safety, the crime analysis, calls for service, results of studies about 12-hour work shifts, consolidation of police services, comparisons of 12-hour shifts versus 8-hour shifts, the cost to provide services versus population, issues pertaining to the contracting out of Police services to another agency, staffing levels based on workload and 24/7 coverage. Regarding 8-hour, 10-hour and 12-hour shifts, Mr. Pipkin explained that 8-hour 12-hour shifts are the most efficient; some concern has been raised that 12-hour shifts are too fatiguing for the officers, but no definitive studies have shown this to be the case.

Mayor Guardino opened the floor to public comments.

Linell Hardy of Cotati asked when more than one call comes in for an incident, how is that counted?

Eric Kirchmann of Cotati addressed the Council regarding the retention factor of the Police Facility and asked for the attrition rate and comparison of attrition rates with other cities.

Mike Kurvers of Cotati indicated general agreement with the master plan and commended the Police Department on its response rate. He noted that he had recommended cuts at Monday's budget study session and clarified that he opposes contracting Police services to other agencies.

**DRAFT**

Subject to approval.

Neil Hancock expressed appreciation for the Police Department and noted that difficult decisions must be faced. He discussed various budget issues and per capita cost of public safety in the context of city, state and nation.

Joan Simon of Cotati stated that the services provided by the Cotati Police Department is well worth the per capita cost.

Susan Harvey stated that she has benefited from Police Department services and ridden along with officers. She expressed supports for keeping the Police Department in Cotati.

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

Mr. Pipkin responded to additional questions related to the cost and permanency of contracting services with the Sheriff's Department or several cities consolidating among themselves, the various factors that might contribute to a city deciding to consolidate, the attrition rate and reasons for officers' leaving Cotati's service.

Police Chief Stewart responded to questions regarding call rates, the negative effect of discussions about contracting out to the Sheriff's Department on retention of staff, the sacrifices that the existing staff has made to keep costs down given the current budget situation and the insights and different perspective that the study has brought to the Department.

Councilmembers Gilardi and Orchard commended the Police Chief and his staff. They indicated that they oppose contracting out Police services and would like put that discussion to rest. The study provides valuable information that can be implemented when the budget improves. The Police Dept provides excellent service for the cost.

Chief Stewart and Mr. Pipkin responded to additional questions regarding how to prioritize the recommendations and implement those that don't involve an increase in cost and use existing staff.

**5. DISCUSSION AND POSSIBLE DIRECTION REGARDING 'MOMENT OF SILENCE' ON CITY COUNCIL AGENDA (*Discussion*).**

Mayor Guardino introduced the item.

City Attorney Rudnansky summarized some other cities' practices regarding ceremonial events such as an invocation or moment of silence at the beginning of City Council meetings.

Mayor Guardino opened the floor to public comments.

Joan Simon of Cotati indicated that, although she supports saying the pledge of allegiance, she sees no benefit to a moment of silence at the beginning of a meeting.

**DRAFT**

Subject to approval.

Michelle Berman indicated opposition to the moment of silence and the pledge of allegiance; they should at least be optional.

Mike Kurvers expressed support for the moment of silence as an alternative to an invocation and as a compromise to individuals' various beliefs.

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

Discussion ensued relative to symbolic forms, the diversity of society, the history of the pledge of allegiance, the meaning of the moment of silence to the various councilmembers, the fact that the moment of silence and the pledge of allegiance are optional, i.e., no one has ever been forced to participate in them, how other groups such as 4-H handle similar ceremonial events, the fact that not all things that happen at a City Council meeting are comfortable, and the belief that it is small details that make up a relationship and a City.

Additional discussion took place regarding a suggestion that the Mayor could clarify that the pledge and moment of silence are optional, that they are not tradition for tradition's sake but they mean something to some people. The majority of Council concurred that if the moment of silence is offensive to a Councilmember and if not having it is more respectful of our diversity then they can do without it. Councilmember Gilardi disagreed, noting that if something is optional and is taken away, it is no longer optional. She said it is not a diversity issue.

**Moved** by Councilmember Barich, seconded by Vice Mayor Coleman-Senghor, and passed 4-1 (Councilmember Gilardi voting no) to remove the moment of silence from the City Council agenda.

## **PUBLIC HEARINGS**

### **6. FEES & CHARGES FOR CITY SERVICES - CONTINUED TO FEBRUARY 11, 2009 (Administrative Services) (Action)**

Mayor Guardino announced that he would hold the public hearing then call for a motion to continue this item to February 11, 2009.

Mayor Guardino opened the public hearing.

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

**Moved** by Councilmember Orchard, seconded by Vice Mayor Coleman-Senghor, and passed unanimously to continue this item to the February 11, 2009 regular City Council meeting.

**DRAFT**

Subject to approval.

**7. AMENDMENT TO COTATI MUNICIPAL CODE TITLE 11, ENCROACHMENT PERMITS (Public Works/Engineering) (Action)**

City Engineer/Director of Public Works Damien O'Bid presented the staff report and responded to questions regarding the process for recovering costs beyond the applicant's deposit or in the event that a contractor stopped work or declared bankruptcy.

Mayor Guardino opened the public hearing.

Michelle Berman of Cotati stated that pedestrian safety is being impacted by construction on East Cotati Avenue.

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

**Moved** by Vice Mayor Coleman-Senghor, seconded by Councilmember Orchard, and passed unanimously to introduce an ordinance amending the Cotati Municipal Code Title 11 (Streets and Sidewalks), adding Section 11.01 (Encroachments within Public Rights-of-Way).

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

Mayor Guardino adjourned the regular City Council meeting and called the joint meeting to order at 11:53 p.m.

**CONSENT CALENDAR**

Item No. 8 was pulled for discussion regarding page 8, 4<sup>th</sup> item, parking violation, Sonoma County Superior Court in the amount of \$175. Administrative Services Director Hayes said she would pull the invoice and report at the next meeting.

**8. WARRANTS AND AUDITED CLAIMS FOR DECEMBER 10<sup>TH</sup>, 2008 – JANUARY 14<sup>TH</sup>, 2009 (Administrative Services) (Action)**

**MOVED** by Councilmember Barich, seconded by Councilmember Gilardi and passed unanimously to receives and files warrants and audited claims for December 10<sup>th</sup>, 2008 – January 14<sup>th</sup>, 2009.

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

Mayor Guardino adjourned the joint meeting and reconvened the regular meeting at 11:56 p.m.

**DRAFT**

Subject to approval.

**CITY COUNCIL REPORTS AND DIRECTION ON FUTURE AGENDA ITEMS  
(Discussion)**

'Direction of Future Agenda Items' was moved up on the agenda, immediately after 'Citizens' Business'

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

Councilmember Orchard announced that she would not be able to attend the February 11 City Council meeting.

Mayor Guardino announced that he would be out of town the week of April 22.

**ADJOURNMENT OF REGULAR CITY COUNCIL MEETING TO CLOSED SESSION  
(CITY MANAGER'S OFFICE)**

Mayor Guardino adjourned the regular meeting at 12:06 a.m. to closed session in the City Manager's office.

**CALL TO ORDER AND ROLL CALL FOR CLOSED SESSION**

**CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)**

City Designated Representative: City Manager or designee  
Employee Organizations: (1) Cotati Employees Association (2) Cotati Police Officers  
Management Association

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

Mead vs. City of Cotati, et.al. (United States District Court- Northern District- Case # C-08-3585  
CW

Respectfully submitted,

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Tamara Taylor, Deputy City Clerk