



**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 FEBRUARY 11, 2009**  
**6:00 PM CLOSED SESSION**  
**7:00 PM REGULAR SESSION**  
**City Council Chambers, City Hall, 201 W. Sierra Avenue**

**6:00 PM CALL TO ORDER AND ROLL CALL FOR CLOSED SESSION**

Mayor Guardino called the meeting to order at 6:00 p.m.

Councilmembers present at roll call: Barich, Gilardi, Orchard, Mayor Guardino

Vice Mayor Coleman-Senghor arrived at 6:15 p.m.

Staff present: City Attorney Rich Rudnansky, Deputy City Clerk Tamara Taylor, City Manager Dianne Thompson.

Mayor Guardino opened the floor to public comments; there being no one wishing to speak he closed the public comment period and adjourned to closed session.

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

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

City Designated Representative: City Manager or designee

Employee Organizations: (1) Cotati Employees Association (2) Cotati Police Officers Association (3) Cotati Police Management Association

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

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

Mayor Guardino called the meeting to order at 7:06 p.m.

**ROLL CALL**

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

Staff present: City Attorney Rich Rudnansky, Deputy City Clerk Tamara Taylor, City Manager Dianne Thompson.

## **PLEDGE OF ALLEGIANCE**

Mayor Guardino led the pledge of allegiance.

### **1. APPROVAL OF MINUTES OF JANUARY 28, 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 Orchard seconded by Councilmember Barich, and passed unanimously to approve the minutes of the January 28, 2009 regular meeting as amended (additional language regarding responses of Byron Pipkin to questions from Council added under item 4) and to waive reading of all resolutions and ordinances introduced and/or adopted under this agenda.

Mayor Guardino announced that 'Future Agenda Items' would be heard after 'Citizens' Business'.

## **CITY MANAGER'S REPORT**

City Manager Dianne Thompson reported that construction is continuing on the East Cotati Avenue overlay project, which is expected to be completed in mid-March, weather permitting.

## **CITIZEN BUSINESS**

Chip Worthington of Rohnert Park read from a speech by Abraham Lincoln on August 12, 1861.

Mayor Guardino announced that Olivers had donated food for the evening's refreshment.

Jim Pekkain Rohnert encouraged the Council to reconsider the elimination of the moment of silence.

Anthony Adler of Cotati addressed the Council regarding various concepts of God and religion their effects on history. He read a letter regarding water and sewer rates and the city's billing methods.

Irene Hilsendager indicated agreement with Mr. Adler's comments. After a brief moment of silence she commended Councilmember Gilardi for her vote against removing the moment of silence and encouraged its reinstatement.

Grant Noah of Cotati, representing the National Society of the Sons of American Revolution, presented a certificate of commendation to the Mayor for flying the American flag and donated a flag to be flown by the fire station.

Dylan Eddy of Sonoma State University requested that the Council resume scheduling a spot on the agenda for a report from the university.

Adrienne Lauby of Cotati asked for clarification regarding the size of the flag that was donated. She spoke regarding the separation of church and state; she indicated that she liked the moment of silence.

Joan Simon of Cotati requested that Council agendaize a discussion of letters written by Councilmember Barich or any other councilmember on self-made City letterhead and whether such actions violate city policy. She asked that his actions in writing several Councilmembers be investigated for violation of the Brown Act.

Michelle Berman of Cotati requested that the Council remove the pledge of allegiance from the agenda. She thanked Olivers for donating food and thanked the Council for its discussion on the moment of silence.

Council concurred to schedule a report from the Sonoma State University representative on future agendas.

## **FUTURE AGENDA ITEMS**

Responding to questions from the Council, City Attorney Rudnansky summarized the Brown Act as it relates to responses to comments made during Citizens' Business. He indicated that he shares responses to Councilmember questions to all Councilmembers and that the cost of Councilmember Barich's question regarding the use of City letterhead falls within the retainer fee.

After a brief discussion, Council concurred to schedule discussion of the City's policy regarding use of official city letterhead on an upcoming agenda.

After a brief discussion, Council agreed not to schedule discussion regarding the pledge of allegiance as it is not a priority at this time.

Discussion ensued regarding a request from Councilmember Barich to schedule discussion of a number of items, including water and sewer rates, getting feedback about how citizens feel about various departments and email outreach to citizens on future City Council agendas.

Mayor Guardino indicated that discussions regarding water and sewer are forthcoming. The Council concurred to review the other items of Councilmember Barich's concern for possible inclusion on the Council agenda during its upcoming goal setting session.

The Council concurred to send a letter from the Mayor to Oliver's Market thanking them for the donation of food.

## **ORAL AND WRITTEN COMMUNICATIONS**

### **ANNOUNCEMENTS**

Review of the City's trial off-leash policy and leash law enforcement will be scheduled on the February 25, 2009 City Council agenda.

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**

Carmen Garcia of Rancho Cotate High School was unable to provide report to Council.

### **CONSENT CALENDAR**

**Moved** by Councilmember Gilardi, seconded by Councilmember Orchard, and passed unanimously to approve items 2 and 3 on the Consent Calendar.

**2. ADOPTION OF ORDINANCE AMENDING COTATI MUNICIPAL CODE TITLE 11, ENCROACHMENT PERMITS (Public Works/Engineering) (Action)**

Adoption of Ordinance No. 821 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI COTATI MUNICIPAL CODE TITLE 11 (STREETS AND SIDEWALKS), ADDING SECTION 11.01 (ENCROACHMENTS WITHIN PUBLIC RIGHTS-OF-WAY)

**3. APPROVAL OF REVISED RETENTION SCHEDULE AND APPROVAL OF DESTRUCTION OF CERTAIN POLICE DEPARTMENT RECORDS PURSUANT TO SECTIONS 34090 AND 34090.6 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA ADOPTION OF ORDINANCE AMENDING COTATI MUNICIPAL CODE TITLE 11, ENCROACHMENT PERMITS (Police) (Action)**

Adoption of Resolution No. 2009-03 entitled: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI RESCINDING RESOLUTION NO. 07-22 AND APPROVING THE REVISED DESTRUCTION OF CERTAIN POLICE DEPARTMENT RECORDS, DOCUMENTS, AND PAPERS, PURSUANT TO SECTIONS 34090 AND 34090.6 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA

## **REGULAR AGENDA**

### **5. MID-YEAR BUDGET AMENDMENTS**

Jone Hayes, Administrative Services Director, announced that a budget review study session had been held on January 26, 2009.

City Manager Dianne Thompson presented the staff report.

Responding to a question from the Council, City Manager Thompson clarified that salary reductions are a contract negotiation item and are not part of the public information and that Santa Rosa's use of their Measure O funds does not affect Cotati.

Administrative Services Director Hayes clarified that needed items not included in the budget include vehicle replacement, General Plan update, various capital improvement programs, equipment replacement and reserves.

Mayor Guardino opened the floor to public comment.

Anthony Adler of Cotati spoke against reducing Police Department officer staffing. He suggested getting a casino.

Chris Diaz, Cotati Police Officer and president of the Police Officers' Association. He explained that speaking for himself, he is concerned for his safety when there is only one officer on duty. He cited several examples of encounters with violent offenders where other officers were available to assist.

Ken Coleman of Cotati discussed various ways to use Police Department staff; he supports having 2 police officers at night.

Andrew Lyssand, Cotati Police Officer, expressed concern that his job is in jeopardy if cuts are made in the Police Department, and for the safety of Cotati citizens with only one officer on duty. He encouraged Council to consider increasing revenue.

Joan Simon of Cotati indicated that Council and public speakers expressed a desire to have a good level of service in the Police Dept. She suggested a \$100/household tax. She encouraged the formation of a volunteer and intern committee. She asked for clarification of which category of sales taxes are down.

Patty Minnis of Cotati asked for a bare-bones budget that contains only those items required by law.

Adrienne Lauby of Cotati commended staff for volunteering a salary reduction and expressed compassion for those who had lost their jobs. She suggested that cities push back on regulatory requirements. She encouraged Council to be upfront with citizens regarding the need for additional revenue. She noted that most of the budget consists of

salary which can only be changed by closed session contract negotiations and wished the Council well with their efforts.

Susan Harvey of Cotati indicated agreement with Ms. Simon's comments regarding a tax to support Police services. Employees are going above and beyond to do what needs to be done and the citizens should do the same.

Michelle Berman of Cotati reminded the Council that it is not just the Police Department that needs support. She believes that staff should take a 15% cut including benefits.

Linell Hardy of Cotati indicated agreement with Ms. Berman's comments regarding staff taking cuts. Everything should be up for review.

John Moore of Cotati indicated that maybe it's time to consider an assessment in order to maintain the level of service.

Mayor Guardino called a recess at 8:55 p.m. and reconvened at 9:13 p.m.

Administrative Director Hayes said the sales tax has reduced across all customer types (categories). Specific tax information regarding individual entities is confidential.

Councilmember Orchard expressed support for Police and all departments; she indicated that she values the Recreation Department but it needs to be cut; however no alternatives were provided. She suggested forming a committee for fundraising for events

Councilmember Gilardi expressed concern that there were no alternatives provided and that she is not letting the events go without a fight. She commended citizens who have come forward to help, pointing out that one gentleman held a birthday party for his 4 year old and requested donations to the Recreation Department in lieu of gifts. She encouraged everyone to come together as a community and indicated support for a measure and for finding out what the community values.

Vice Mayor Coleman-Senghor suggested repackage the departments to deliver services and to bid out recreation services.

Councilmember Barich discussed city employees' salary and benefits and noted that city jobs are good but during the boom times other people make a lot of money.

Mayor Guardino indicated that the comments from public regarding coming together are heartening. He supports moving forward with the cuts proposed and to move forward with a revenue measure. He would like to get a proposal from the consultants.

The majority of Councilmembers indicated support for the proposed budget amendments. Councilmembers Gilardi and Orchard expressed concern that no alternatives were provided and that they would therefore vote against the proposed amendments.

**Moved** by Vice Mayor Coleman-Senghor, seconded by Councilmember Barich, and passed 3-2 (Councilmembers Gilardi and Orchard voting no) to adopt a motion to approve the mid-year budget amendments.

The Council concurred to schedule consideration of a proposal for public opinion research regarding a revenue measure and to discuss the formation of a committee for event fundraising on an upcoming agenda.

**4. RECOMMENDATION FOR APPOINTMENTS TO MAYORS' AND COUNCILMEMBERS' ASSOCIATION COMMITTEES**

City Manager Dianne Thompson presented the staff report.

Council concurred on the following appointments:

Bay Area Air Quality Management District: Pam Torliatt (Petaluma)

Local Agency Formation Committee (LAFCO): Teresa Barnett (Petaluma)

Golden Gate Bridge Highway and Transportation District: Joanne Sanders (Sonoma)

Sonoma-Marin Area Rail Transit (SMART): Deb Fudge (Windsor)

Association of Bay Area Governments (ABAG) Hazardous Waste Management Facility Allocation Committee: Tiffany Renee (Petaluma)

League of California Cities' (LOCC) Executive Board (Alternate): Kathleen Shaffer (Sebastopol)

Sonoma County Childcare Planning Council: Marsha Vas Dupre (Santa Rosa)

Sonoma County Agricultural Preservation and Open Space District (2 seats): Gary Wysocky (Santa Rosa) and Laurie Gallian (Sonoma)

North Coast Railroad Authority Board of Directors: Eric Ziedrich (Healdsburg)

The Council requested that Vice Mayor Coleman-Senghor confirm that the LOCC Executive Board appointment is for an Alternate and to further confirm that Sebastopol is a member of the North Bay Division.

Mayor Guardino opened the floor to public comment; there being no one wishing to speak he closed the public comment period.

**Moved** by Councilmember Gilardi, seconded by Councilmember Orchard, and passed unanimously for the City Council to support the above choices from those Sonoma County Councilmembers who have submitted letters of interest for various appointments of the Sonoma County Mayors' and Councilmembers' Association Board of Directors and the Mayor's City Selection Committee, and to further allow Mayor Guardino to use his

discretion regarding the recommendations should the need arise at the Mayors' and Councilmembers' and City Selection Committee meetings.

## **PUBLIC HEARING**

### **6. ESTABLISHING FEES & CHARGES FOR CITY SERVICES - CONTINUED FROM JANUARY 28 2009 (Administrative Services) (Action)**

Jone Hayes, Administrative Services Director, presented the staff report.

Discussion ensued regarding the amenities of the Cotati Room compared to other venues such as the Spreckles Center and concerns that higher fees may discourage rentals.

Staff indicated that they would review the effect that increase in fees may have on the rentals the next time that fees are established.

Mayor Guardino opened the public hearing; there being no one wishing to speak he closed the public hearing.

**Moved** by Councilmember Orchard, seconded by Councilmember Gilardi, and passed unanimously to adopt a Resolution No. 2009-04 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI, CALIFORNIA, SUPERSEDING RESOLUTION NO. 08-06, ESTABLISHING THE FEES AND CHARGES FOR CITY SERVICES

## **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 10:12 p.m.

## **CONSENT CALENDAR**

**Moved** by Councilmember Gilardi, seconded by Councilmember Orchard, and passed unanimously to approve item 7 on the Consent Calendar.

### **7. WARRANTS AND AUDITED CLAIMS FOR JANUARY 15<sup>TH</sup>, 2009 – JANUARY 28<sup>TH</sup>, 2009 (Administrative Services) (Action)**

This motion receives and files warrants and audited claims for January 15<sup>th</sup>, 2009 – January 28<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 10:13 p.m.

**CITY COUNCIL REPORTS (*Discussion*)**

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

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

Mayor Guardino adjourned the regular meeting at 10:20pm

Respectfully Submitted,

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Tamara Taylor, Deputy City Clerk