

# City of Cotati



MINUTES  
REGULAR CITY COUNCIL MEETING AND  
JOINT MEETING OF THE COTATI CITY COUNCIL  
AND COTATI REDEVELOPMENT AGENCY BOARD OF DIRECTORS  
FEBRUARY 13, 2008  
City Council Chambers, City Hall, 201 W. Sierra Avenue

## **6:30 PM CLOSED SESSION**

### **1. CALL TO ORDER (CITY COUNCIL CHAMBERS)**

Mayor Gilardi called the meeting to order at 6:35 p.m.

### **2. ROLL CALL FOR CLOSED SESSION**

Councilmembers present at roll call: Fox, Guardino, Mayor Gilardi

Councilmembers absent: Minnis, Orchard

Staff present: Thompson, Rudnansky, Hayes, Taylor

### **3. ANNOUNCEMENT OF CLOSED SESSION TOPIC/ADJOURNMENT TO CLOSED SESSION (CITY MANAGER'S OFFICE)**

Mayor Gilardi announced the closed session topic and adjourned to closed session in the City Manager's office.

### **4. CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL: Anticipated litigation (significant exposure to litigation (Gov. Code section 54956.9)

### **5. ADJOURNMENT OF CLOSED SESSION/RECONVENE TO REGULAR SESSION (CITY COUNCIL CHAMBERS)**

Mayor Gilardi adjourned the closed session at 6:57 p.m. and reconvened to the regular session in the City Council Chambers.

## **7:00 PM REGULAR SESSION**

### **6. CALL TO ORDER OF REGULAR CITY COUNCIL MEETING**

Mayor Gilardi called the meeting to order at 7:02 p.m.

**7. ROLL CALL FOR REGULAR SESSION**

Councilmembers present at roll call: Fox, Gardino, Mayor Gilardi.

Councilmembers absent: Minnis, Orchard (Councilmember Orchard arrived at 7:08 p.m.)

Staff present: Hayes, O'Bid, Rudnansky, Taylor, Thompson,

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

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

**9. APPROVAL OF MINUTES OF JANUARY 22, 2008 REGULAR MEETING AND NOTICE OF WAIVING OF READING OF ALL ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (*Action*)**

Moved by Councilmember Fox, seconded by Vice Mayor Guardino and passed 3-0-2 (Councilmembers Minnis and Orchard absent) to approve the minutes of the January 22, 2008 Regular meeting as corrected (add 'Vice' before 'Mayor Guardino' in item no. 17) and to waive the reading of all ordinances introduced and/or adopted under this agenda.

**10. APPROVAL OF FINAL AGENDA**

Council concurred to continue item no.22 (Planning Commissioner Appointment Process) to February 27, 2008.

**11. CITY MANAGER'S REPORT**

City Manager Thompson reported the following:

- The Sonoma County Water Agency is proposing to raise water rates; on February 27 Council will consider delegating authority to the City's Water Advisory Committee representative to vote on the Sonoma County Water Agency's proposed fiscal year 2008/2009 water system budget.
- The Greenhouse Gas Report on the City of Cotati has been received from the Climate Protection Campaign. Staff is in the process of reviewing the report and will be bringing forward to Council the report along with staff recommended projects to reduce greenhouse gas emissions by 25% over 2000 levels by the year 2010.
- City Manager Thompson provided an update of the work done to date on the East Cotati Avenue waterline replacement. An extension has been granted for the completion of the installation due to rain delay.
- On Monday, February 11, Sonoma State University General Plan Workshop students presented Cotati's 'Existing Conditions Report' at a public forum.

## **12. CITIZEN BUSINESS**

Tim Ritter of Cotati, representing the applicants for a medical cannabis dispensary, reviewed the use permit application process to date and requested that the City Council make a decision regarding the application.

Jen K. or C. (spelling of last name not known) read a portion of a letter on behalf of Lisa Gygax regarding an application for a use permit for a medical cannabis dispensary in which Ms. Gygax expressed her concerns regarding the medical marijuana ordinance and her dissatisfaction with staff's interpretation of policies and rules and the treatment of her clients. The letter noted the proposed location of the dispensary at 150 East Cotati Avenue and discussed at length the actions by staff that Ms. Gygax believes are intending to harm the applicants. Mayor Gilardi requested that the speaker submit a copy of the letter to the Deputy City Clerk. The speaker declined to submit the letter at that time, noting that it would be submitted at a later date via email.

Dona Frank stated that she is the applicant for the medical marijuana dispensary. She expressed concern that city staff has intended to cause her harm. She indicated belief that a member of the planning staff had intentionally leaked information regarding the application to the press and expressed concern that information in articles printed in various newspapers are causing stress and loss of revenue. She stated that her group is not moving to Cotati because she has more clients than the ordinance allows. She requested that the City Council make a decision regarding the application.

City Manager Thompson responded to the concerns of the public speakers, noting that staff has responded to emails and has requested to meet with the applicant in person. The applicant had previously met with staff but over the past few weeks has become less willing to schedule another meeting. The Senior Planner has been out of the office this week but will be continuing to attempt to schedule a meeting upon her return. City Manager Thompson further indicated that much of the information regarding staff's actions that was presented by the speakers is mis-information. She noted that in the past few weeks both she and the Senior Planner have left telephone messages with Ms. Gygax inviting her to meet with them. There has not yet been a response to the messages, but staff will continue to contact her and will review the concerns indicated in the letter that was read earlier.

## **13. COUNCILMEMBER DIRECTION ON FUTURE AGENDA ITEMS (*Discussion*)**

None.

## **14. ANNOUNCEMENTS**

The next Cotati Creek Critters' Community Planting Day is February 24 at 10:00 a.m. Meet at City well lot #2 on Lakewood Avenue. For additional details and events call 792-4422 or visit their website at [www.cotaticreekcritters.info](http://www.cotaticreekcritters.info).

The Annual Cotati Pasta Dinner & Bingo event will take place on Saturday, March 1, from 5:00 to 8:00 p.m. at the Cotati Veterans Memorial Building, 8505 Park Avenue, Cotati. For additional details contact the Cotati Chamber of Commerce at 795-5508 or visit their website at [www.cotati.org](http://www.cotati.org).

**15. SONOMA STATE UNIVERSITY REPRESENTATIVE REPORT**

No report.

**16. STUDENT HONORARY MAYOR REPORT**

Brittini Kiick, Honorary Mayor from Rancho Cotate High School reported on school activities and events.

**COMMISSIONS, COMMITTEES, BOARDS AND TASK FORCES**

**17. APPOINTMENT TO COMMUNITY AND ENVIRONMENT COMMISSION (CEC)  
(Action)**

Recreation Manager Terry Dutra presented the staff report.

Mayor Gilardi opened the floor for public comment. There were no speakers.

Mayor Gilardi nominated Diane Wright for re-appointment of Diane Wright to the CEC for a two-year term expiring January 31, 2010.

**Moved** by Councilmember Orchard, seconded by Councilmember Fox and passed 4-0-1 (Councilmember Minnis absent) to ratify the re-appointment of Diane Wright to the CEC for a two-year term expiring January 31, 2010.

**18. CALIFORNIA TIGER SALAMANDER (CTS) SUBCOMMITTEE  
(Report/Discussion)**

City Manager Thompson described the subcommittee's work with the county-wide conservation strategy implementation committee and with staff regarding key aspects of the strategy. She summarized the subcommittee's comments regarding the Memorandum of Agreement for the county-wide group and a draft implementation plan, noting that the subcommittee has concurred that Cotati would support working within the general requirements of the strategy plan, would request modification to allow mitigation of development in Cotati to occur in any of the City of Cotati conservation areas, and would support efforts to identify the highest value salamander habitat to preserve within Cotati's urban growth boundary.

Vice Mayor Guardino and Councilmember Orchard noted that, as City Manager Thompson pointed out, key areas have been identified and the subcommittee is actively working with the stakeholders to satisfy Cotati's requirements in a creative, directed manner.

Mayor Gilardi opened the floor to public comment.

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

## **CONSENT CALENDAR**

**Moved** by Councilmember Fox, seconded by Vice Mayor Guardino and passed 4-0-1 (Councilmember Minnis absent) to approve items 19 and 20 on the Consent Calendar as follows:

**19. FISCAL YEAR 2008/09 RUSSIAN RIVER WATERSHED ASSOCIATION WORK PLAN AND AUTHORIZING A BUDGET ALLOCATION TO SUPPORT THE WORKPLAN (Action)**

Fiscal Year 2008/09 Russian River Watershed Association Work Plan was approved and a fiscal year 2008/09 budget allocation in an amount not to exceed \$21,000 was authorized.

**20. CONTRACT AWARD TO GHILOTTI BROTHERS, INC. FOR THE WEST SIERRA AVENUE/EAST COTATI AVENUE REHABILITATION PROJECT NO. E06-26 (Action)**

A contract to Ghilotti Brothers, Inc. for the amount of \$487,000 for the West Sierra Avenue/East Cotati Avenue Rehabilitation Project No. E06-26 was awarded.

## **REGULAR AGENDA**

**21. CORRESPONDENCE FROM MAYORS' AND COUNCIL MEMBERS' REPRESENTATIVE TO THE GOLDEN GATE BRIDGE HIGHWAY AND TRANSPORTATION DISTRICT REGARDING A PROPOSED TOLL ON DOYLE DRIVE IN SAN FRANCISCO (Report/Discussion)**

City Manager Thompson presented the staff report.

Discussion ensued regarding the condition of the road and the need for repairs and upgrades, the fact that the majority of drivers enter San Francisco via other routes, the ownership of Doyle Drive, the need for the state legislature to grant authority to the San Francisco County Transportation Authority to collect a toll, and the impact such a toll might have on Sonoma county residents who commute to San Francisco.

Further discussion ensued regarding the federal funding component of the project, as well as the views of the Sonoma County Transportation Authority (SCTA) and the Golden Gate Bridge Highway and Transportation District that they may be generally opposed to a toll but they did not believe they had enough information to take a firm position and are willing to work to find another solution.

Mayor Gilardi opened the floor for public comment.

George Barich indicated his belief that this issue is not the type of issue on which staff and Council should be spending their time because he believes that the road in question is not

within Cotati's sphere of influence.

Linda Ritter of Cotati suggested that commuters use the commuter fast-track toll payment method on Doyle Drive.

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

Mayor Gilardi explained that Sonoma County has a seat on the Golden Gate Bridge District, therefore this item is within Council's purview.

Council concurred that it would not take a position at this time because it not have enough information regarding the issue.

## **PUBLIC HEARINGS**

### **22. PLANNING COMMISSION APPOINTMENT PROCESS (*Action*)**

Mayor Gilardi announced that because Councilmember Minnis is absent, this item has been continued to February 27, 2008.

Mayor Gilardi opened the public hearing.

Mike Kurvers of Cotati requested that the proposal be modified so that a majority of Council ratify would individual nominations.

Michelle Berman of Cotati spoke in support of the proposal, noting that other cities make individual appointments and that the process could be changed back if it doesn't work.

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

### **23. ADJOURNMENT OF REGULAR MEETING OF THE CITY COUNCIL TO JOINT MEETING OF CITY COUNCIL AND REDEVELOPMENT AGENCY BOARD OF DIRECTORS**

### **24. CALL TO ORDER AND ROLL CALL FOR JOINT MEETING**

Chair Gilardi called the joint meeting to order at 7:49 p.m.

Members present: Fox, Guardino and Orchard, Chair Gilardi

Staff present: Thompson, Rudnansky, Hayes, Taylor

## **CONSENT CALENDAR**

**Moved** by Councilmember Orchard, seconded by Councilmember Fox and passed 4-0-1 (Councilmember Minnis absent) to approve items 25 and 26 on the Consent Calendar as follows:

**25. WARRANTS AND AUDITED CLAIMS (*Action*)**

The Warrants and Audited Claims for January 11th, 2008 – January 23rd, 2008 were received and filed.

**26. AUTHORIZE CITY MANAGER TO AMEND CONTRACT WITH MEYERS NAVE FOR INTERIM CITY ATTORNEY SERVICES AND APPROPRIATE ADDITIONAL FUNDS (*Action*)**

The contract with Meyers Nave for interim City Attorney general municipal law services and was amended and additional funds in an amount not to exceed \$15,000 were appropriated.

**27. ADJOURNMENT OF JOINT MEETING; RECONVENING TO REGULAR MEETING OF CITY COUNCIL**

Chair Gilardi adjourned the joint meeting at 7:50 p.m. and reconvened the regular City Council meeting.

**28. CITY COUNCIL REPORTS AND COMMENTS (*Discussion*)**

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

**29. ADJOURNMENT**

Mayor Gilardi adjourned the meeting at 7:56 p.m. in the memory of Morry Oretsky and Adrienne Swenson.

Respectfully Submitted,

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Deputy City Clerk

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